

MP-403

Book.

MEMORANDUM

January 16, 1940

Remitter: Bertrand De Jarnette (77784)--Class A?

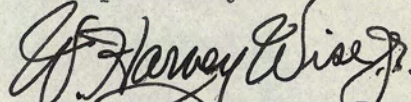
Title: "The Journal of Bloodless Surgery"

Question: Division of opinion as to adequacy of title.

The application filed gives the title as "Supplement to the Technic and Practice of Bloodless Surgery and Journal of Bloodless Surgery." The examiner recommends the deposit of a new application giving the title as "The Journal of Bloodless Surgery, Vol. 1, Nos. 1-2, Supplement to Technic and Practice of Bloodless Surgery."

Mrs. Brady supports the examiner. In the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce, registration may be made as applied for upon the application form A1. The deposit is clearly identified by the application and any additional indexing necessary can be taken care of by the Index Section.

Respectfully submitted,



Chairman, Revisory Board

Enter on A1 application as applied for.--order of Mr. Howell.

MP-403

Book

MEMORANDUM

January 16, 1940

Remitter: Robert C. Kinstler (2966)--Class A.

Title: "Lovely U.C. Sweetheart, Lucky S.A.E. President, Hugh Funkhouser, Law School Freshman, etc."

Question: Division of opinion as to whether "Copyright 1939 by Kinstler for the News Record" is an acceptable notice of copyright, accompanied by application giving the name of Robert C. Kinstler.

The notice of copyright appearing on the copies reads as follows: Copyright 1939 by Kinstler for the News Record. The application gives the name of the copyright owner as Robert C. Kinstler.

In the opinion of Mr. Wise and Mr. Smith this notice of copyright with the form given in the application is acceptable. It seems clear that Mr. Kinstler is holding the copyright in trust for the News Record and registration can be made accordingly upon the receipt of an application on form A5 with one complete copy of the newspaper containing the print and remittance of one dollar to supplement the copyright fee held in this Office. Mrs. Brady and Mr. Pierce, on the other hand, support the examiner in reaching the conclusion that the notice of copyright is fatally defective.

Respectfully submitted,

H. Harvey Wise Jr.
Chairman, Revisory Board

Enter but ask for A5, \$1.00 more, and copy, and explain why--
order of Mr. Howell.

BOOK?
(See Classification)

MEMORANDUM

January 16, 1940

Remitter: H. Kramer and Co. (77937)--Class A or B?

Title: "Kramer Alloy News No. 16"

Question: Division of opinion as to classification.

Enter as applied for as heretofore (B1)--order of Mr. Howell

M E M O R A N D U M

January 16, 1940

Remitter: Richards and Geier (65991)--Class K

Title: "Cash book cover."

Question: Division of opinion as to subject matter of copyright.

There has been submitted for copyright registration an application on form K and two copies of a cash book. The application is for the "cover." The cover does embody a somewhat unusual design consisting of vertical green lines with various shadings. Near the top in an oval space appear the words "Cash Book" in light letters upon a dark green background. A pictorial effect is thus accomplished and in the opinion of Mr. Smith registration may be made under Class K as a print or pictorial illustration.

Mr. Wise, Mrs. Brady, and Mr. Pierce, on the other hand, feel that this application should be rejected. To them there is no element of authorship sufficient to support a copyright claim. This design is one that would be expected to be created by any skilled printer to whom the task of preparing a cover for a blank book of this nature would be entrusted.

Respectfully submitted,

W. Harry Wise
Chairman, Revisory Board

Reject--H. A. Howell.

MP-403

Book.

MEMORANDUM

January 16, 1940

Remitter: Amerika-Institut (Trust)--Class A.

Title: "Das Haustierbuch"

Question: Division of opinion as to whether correspondence should be conducted because of a variance in the year date of publication.

Application is filed in behalf of Deutsche Buchgemeinschaft for registration of a book entitled "Das Haustierbuch." The date of publication given in the application is October 1, 1939, while the year date given in the notice of copyright is 1938.

In the opinion of Mr. Smith registration should be made as applied for in view of the unsettled war conditions in Europe and the difficulty in getting mail through to Germany. He is also influenced by the fact that in any event only the loss of one year's copyright protection can result from this variance. Mr. Wise, Mrs. Brady, and Mr. Pierce take the position that the applicant's attention should be called to this variance in year date and given a chance to make some explanation. In the absence of a reply to this communication within a reasonable time it is agreed that registration may be made.

Respectfully submitted,

W. H. W. W.
Chairman, Revisory Board

Enter--order of Mr. Howell. "The receipt of copy in December, 1939, is evidence of recent publication."

MP-403

Citizenship

MEMORANDUM

January 16, 1940

Remitter: Galaxy Music Corp. (Trust)--Class E

Title: "The Stranger"

Question: Division of opinion as to whether "Ireland" is acceptable as a statement of citizenship.

The application filed for this work in behalf of Stainer & Bell, Ltd. gives the citizenship of the composer, John Francis Larchet as Ireland.

In the opinion of Mr. Wise, Mr. Smith and Mr. Pierce this is a sufficiently adequate statement of citizenship, and the application should be passed for registration. Mrs. Brady, on the other hand, supports the examiner in that she feels that the citizenship is questionable. "Does 'Ireland' as given in line (4) imply 'Irish Free State' or 'North Ireland'?"

Respectfully submitted,

W. Harvey King

Chairman, Revisory Board

Enter--order of Mr. Howell. Eligible in either case he must be a British subject.

MP-#03

CLASSIFICATION

MEMORANDUM

January 16, 1940

Remitter: H. Kramer and Co. (77937)--Class A or B?

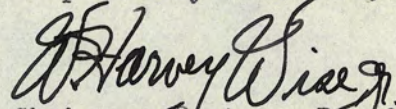
Title: "Kramer Alloy News No. 16"

Question: Division of opinion as to classification.

Application has been filed for this work on form B1, and in response to the Office's suggestion that application form A1 be filed the applicant responds pointing out that application form B1 has been used in the past, and furthermore this is a periodic publication.

In view of the classification of prior numbers as periodical under Class B, and the periodicity of the publication it is the opinion of Mr. Wise and Mr. Smith that registration should be made as applied for. Mrs. Brady and Mr. Pierce, on the other hand, feel that application on form A1 as a book should be insisted upon, taking into consideration the subject matter of the work. This issue refers primarily to non-ferrous ingot metals and does not contain "a number of articles by various authors on different subjects."

Respectfully submitted,


Chairman, Revisory Board

Enter as applied for as heretofore--order of Mr. Howell.

Music

MEMORANDUM

January 16, 1940

Remitter: Lillian Estelle Reese (76602)--Class E

Title: "I Love America," "Fret Not Thyself," "God Have Mercy," etc.

Question: Division of opinion as to whether copies filed are adequate to meet the requirements of complete copies.

Applicant has filed some five applications for registration of as many unpublished musical compositions, one patriotic and four sacred, all of which are bound together.

In the opinion of Mrs. Brady and Mr. Smith correspondence should be conducted requesting complete separate copies giving in each case the full name of the author and composer. Mr. Pierce and Mr. Wise, on the other hand, are of the opinion that the copies filed are complete, and, furthermore, a careful examination of the copy ^{leaves} no doubt as to who is the author of the compositions.

Respectfully submitted,

J. Harvey Wise
Chairman, Revisory Board

Enter and detach each song--order of Mr. Howell. 1/19/40

MP- 404

MEMORANDUM

*Print
or Label*

(See "NOTICE")

January 16, 1940

Remitter: Diversey Corp. (1007)--Class A or K?

Title: "What a Simple Cold Can Teach Us ABOUT Protecting
Milk Quality"

Question: Division of opinion as to adequacy of copyright
notice.

Reject--advertising print for article of manufacture.
Refer to Patent Office.--order of Mr. Howell 1/19/40
(see main memo under "Notice")

PERIODICAL?
(See Classification)

MEMORANDUM

January 16, 1940

Remitter: H. Kramer and Co. (77937)--Class A or B?

Title: "Kramer Alloy News No. 16"

Question: Division of opinion as to classification.

Enter as applied for as heretofore (B1)--order of Mr. Howell.

MUSIC
(See Citizenship)

M E M O R A N D U M

January 16, 1940

Remitter: Galaxy Music Corp. (Trust)--Class E.

Title: "The Stranger"

Question: Division of opinion as to whether "Ireland" is
acceptable as a statement of citizenship.

Enter--HAH. Eligible, in either case he must be a British subject.

See "Citizenship"

TITLE
(See "Book")

M E M O R A N D U M

January 16, 1940

Remitter: Bertrand De Jarnette (77784)--Class A?

Title: "The Journal of Bloodless Surgery"

Question: Division of opinion as to adequacy of title.

Enter on A1 application as applied for.--order of Mr. Howell



MP-403

Lecture.

MEMORANDUM

January 18, 1940

Remitter: Paul L. Specht (2879)--Class C.

Title: "Name-band News"

Question: Division of opinion as to completeness of copy.

The work submitted is stated to be a one and one-half minute broadcast and consists of a page and one-half of typewritten text. The examiner supported by Mrs. Brady feels correspondence is necessary to question whether the address is complete and also to request an identifying number if this is one in a series of broadcasts.

Mr. Wise, Mr. Smith, and Mr. Pierce, on the other hand, take the position that registration should be made as applied for. The application adequately identifies the deposit, and the fact that the work is to be delivered in one and one-half minutes would clearly indicate that it is complete. In fact, only a very good reader would be able to read it in this time.

Respectfully submitted,

W. Harvey Wise
Chairman, Revisory Board

Enter as applied for--order of Mr. Howell.