

MP-431

Book

MEMORANDUM

March 5, 1940

Remitter: Doubleday, Doran and Co., Inc. (Trust)--Class A.

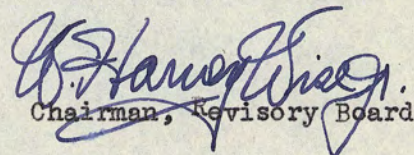
Title: "Weep for Love" in behalf of Ruby M. Ayres Pocock

Question: Application on form A6 for registration of a serial republished with new matter in book form indicates that first publication was a "Bell Syndicate publication" to newspapers.

The application filed for registration of this work bears the following statement "Republished in U.S.A. by Bell Syndicate, loose leaf form of their newspaper version." The correspondent was advised that this statement should be removed from the application. Correspondent insists that the first publication took place when the Bell Syndicate distributed this story (in proof form) to its subscribing newspapers.

In the opinion of the entire Revisory Board the application should be rejected unless the applicant will remove from the application the statement concerning publication by the Bell Syndicate in loose-leaf form. This is obviously material of the type now rejected by the Office and which is the subject of mandamus by King Features, Inc. As of possible interest the case is called to the Assistant Register's attention.

Respectfully submitted,


Chairman, Revisory Board

"Enter on A6 application received February 9. Ignore superfluous matter in lines (8) and (9) of application, as heretofore in the applications from this source."--order of Mr. Howell 3/21/40

Book

M E M O R A N D U M

March 5, 1940

Remitter: Alice Mouse (14381)--Class A.

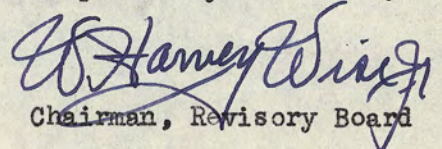
Title: "The Credit Rating Book, Business Men's Credit Exchange"

Question: Application for reissued book in name of assignee. Assignment not recorded. Must the instrument be recorded prior to acceptance of application for revised book?

The copies of the work herein titled bear the following copyright notice: (Copyright, 1939-40, A. Mouse). The application is in agreement with the copies, giving the full name, Alice Mouse. In the accompanying letter of transmittal it is stated that Imogene T. Russell transferred all of her interests in this work to V. M. Mouse, and that V. M. Mouse has transferred to Alice Mouse, mother of V. M. Mouse. The work filed is a revised edition of the original in which the new material consists of "Added lists, revised & added rating information."

In the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce registration can be made as applied for, since the claim of copyright is based upon the new material. It is their belief, however, that correspondence should be conducted and the applicant advised that the instruments of assignment should be duly recorded. It is believed that the placing of the assignee's name in the notice prior to the time the assignments are recorded is in order in view of the fact that Alice Mouse is the owner of the new material, and is not an owner by virtue of these assignments. Mrs. Brady, on the other hand, takes the position that the assignments must be recorded before registration can be made.

Respectfully submitted,



Chairman, Revisory Board

Enter on A2 as applied for. "This is a new edition."--order of Mr. Howell. Write re assignments.

Boon

MEMORANDUM

March 5, 1940

Remitter: Dartnell Corporation (11754)--Class A.

Title: "Step Out and Sell."

Question: Can registration be made upon copies of second and fourth printing? Only one copy of the first printing is available and it is not of best edition.

Three copies of the work in question have been filed,-- one of the first edition which is a rough printer's copy with numerous pencilled notations therein, one copy of the second printing and one copy of the fourth printing. The latter two copies are identical.

In the opinion of Mr. Wise, and Mr. Smith registration can be made using the copies of the second and fourth printing. Mrs. Brady and Mr. Pierce, on the other hand, take the position that the Office should have two copies of the same printing and suggest that one additional copy of either the second or the fourth printing should be deposited before registration is completed.

Respectfully submitted,

W. Stanley Wise Jr.

Chairman, Revisory Board

Enter with copies of second and fourth printing now in hand. Copies are identical.--order of Mr. Howell.

MP-431

Classification

MEMORANDUM

March 5, 1940

Remitter: Richard A. Meyer (10430)--Class A?

Title: "Modern Order of Church Going Liars and-or Galloping Gossips"

Question: Division of opinion as to classification.

The work filed consists of a somewhat crude drawing, underneath of which is some text matter certifying that the individual named therein is a member of the organization of the Church-Going Liars.

In the opinion of Mr. Smith and Mrs. Brady correspondent should be advised that registration can only be made for this after publication with the copyright notice, and then under the classification of "book." Mr. Wise and Mr. Pierce, on the other hand, take the position that registration may be made under class G, unpublished, to cover the drawing. In their opinion the drawing and artistic element are as large a component part as the text.

Respectfully submitted,
W. Howard Brady
Chairman, Revisory Board

Send G2 application but explain that when published must send two copies as published with copyright notice and another application and fee.--order of Mr. Howell 3/9/40.

MEMORANDUM

*Copies - of
Copyrighted Entries*

March 5, 1940

To the Examining Section

From the Revisory Board

Subject: Recall of copies for corrective entries.

A rule of the Revisory Board has been interpreted as requiring in the case of corrective entries to have sent to the Examining Section copies of the work deposited for original registration. When the proposition was presented to the Revisory Board it was felt that this was a desirable practice and this is still our opinion. However, the difficulties in securing such copies at times appear insurmountable and an unconscionable amount of time is required to locate many copies.

Where the copies are in the files of the Copyright Office and are readily accessible, it seems highly desirable for them to be in the hand of the examiner at the time the corrective registration is made. However, this is not essential to the making of the registration. In other words, where the copy submitted with the original application is not readily accessible in this Office the corrective registration should be made without it.

PERIODICAL
CONTRIBUTION.

MEMORANDUM

March 5, 1940

Remitter: Harry J. Smith (5722)--Class A5.

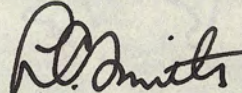
Title: "Calling All Children Under Six Years Old for the Baby Derby" in "The Skaneateles Press," January 19, 1940.

Question: Should registration be made for a periodical contribution described as a print, when in addition to the correct notice upon the print there appears elsewhere upon the periodical contribution a copyright notice in the name of the same claimant but including a year date of 1936, the present application giving the date of publication as January 19, 1940?

Mr. Wise and Mr. Smith are of the opinion that the copyright notice upon the print should alone be considered without reference to the copyright notice appearing elsewhere on the copy, and which undoubtedly has reference not to the print but to the text which may have been registered at some earlier date.

Mrs. Brady and Mr. Pierce sustain the examiner in her suggestion that further inquiry be made of the applicant for the purpose of securing an explanation for the appearance of two copyright notices upon the periodical contribution.

Respectfully submitted,



Acting Chairman of the Revisory Board

Enter as "book" in accordance with the title and accompanying material--order of Mr. Howell 3/21/40.

MAP

(SEE "NOTICE")

MEMORANDUM

March 5, 1940

Remitter: Finnish Lutheran Book Concern (10739)--Class F

Title: "Suomi Finland"

Question: Adequacy of copyright notice.

Enter--order of Mr. Howell 3/9/40. "The magazine may well be a legal entity for aught that appears to the contrary."

(See full memo under "Notice")



MP-431

LECTURE

MEMORANDUM

March 5, 1940

Remitters: Eugene Nicholas Strahl (65725)--Class C?
Frank John Strahl (11030)--Class C?

Titles: "The Strahl Plan"
"The Strahl Method"

Question: Division of opinion as to whether material filed
is a lecture or address prepared for oral delivery.

On October 28, 1939 applicant applied for registration of his work entitled "The Strahl Plan." He was advised in a letter of November 2 that plans are not copyrightable, and it was pointed out that he had applied for registration as a lecture or address but that registration could be made in this category only when one complete copy of the script ~~has~~ delivered orally had been deposited. Again on December 4, 1939, and February 15, 1940 correspondent has submitted typewritten material accompanied by application on form C, which in the opinion of Mr. Wise can be delivered orally and is prepared for that purpose. In view of the explanation made the applicant and his apparent compliance with the Office's communication it is his opinion that registration should be made for these two works as applied for. Mrs. Brady and Mr. Smith and Mr. Pierce, on the other hand, take the position that the application should be rejected on the ground that the text filed does not constitute a lecture or address prepared for oral delivery and also on the ground that a plan, system, method or idea, is not copyrightable.

Respectfully submitted,

W. Harvey Wise, Jr.
Chairman, Revisory Board

Doubtful whether delivered orally as deposited. Write explaining fully (HAH wrote 3/15/40---no reply to date)
--H.A.Howell.