

MP-445

Book
(Laundry List)

MEMORANDUM

March 28, 1940

Remitter: Edward Thomas (18877)--Class A.

Title: "Laundry Lists."

Question: Division of opinion as to whether a laundry list partly in Chinese and partly in English is copy-rightable.

The laundry lists in question consist of the normal list of wearing apparel, linen, etc., which would be expected on any conventional list. In addition to this opposite the English words are (what are presumed to be) the Chinese translation. It should be noted that at the very bottom of the page are several lines of text to the effect that the laundry uses the best soaps, that the laundry is not responsible for loss by fire or failure to call for goods in a specified time, etc.

In the opinion of Mr. Wise, Mrs. Brady, and Mr. Pierce there is no evidence of original authorship in this work sufficient to justify a copyright claim. It is little more than a blank form used in connection with a laundry list which would be prepared by any firm in the business. It is not believed that the translation ^{into} of the Chinese which is doubtless employed in any Chinese owned and operated laundry is a sufficient basis to support the copyright claim. Mr. Smith, on the other hand, takes the position that there is sufficient material to support the claim of copyright. He calls particular attention to the Chinese translation and also to the small amount of text matter in the lower righthand corner of the copies.

not original authorship

Respectfully submitted,

E. Harvey Wise
Chairman, Revisory Board

Reject--order of Mr. Howell. "A mere laundry list not copyrightable in any language. Anyone else would have an equal right to print a similar list."--4/8/40.

Book
(Choose-leaf)

MEMORANDUM

March 28, 1940

Remitter: Somerset Press, Inc. (18713)--Class A.

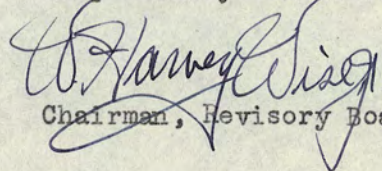
Title: "Guaranteed Stock Digest, Fourth Edition"

Question: Division of opinion as to whether registration can be made upon deposit and application filed.

The examiner makes the following recommendations: (1) Write re variance in authorship. On the copy is the statement "Compiled by B. W. Pizzini and Co.", while the statement in the application reads: "Employee of above company." (2) Copy states Fourth edition. Examiner feels that application should be filed on form A2 with a statement of what the new matter consists.

Mrs. Brady and Mr. Pierce support the examiner in toto, and in addition feel that the applicant should be advised concerning the registration of loose-leaf material. Mr. Wise and Mr. Smith, on the other hand, take the position that the application filed is adequate and registration should be made as applied for. In their opinion there is no variance in authorship. The very nature of the copy, a stock digest, indicates that each edition must be entirely rewritten, and accordingly is registrable as a new work. Under the circumstances it is their opinion that registration should be made as applied for, on form A1.

Respectfully submitted,


Chairman, Revisory Board

"Examiner sustained, but no need to write re loose-leaf."--H. A. Howell 4/8/40

MEMORANDUM

March 28, 1940

Remitter: James F. Leahy (9983)--Class A.

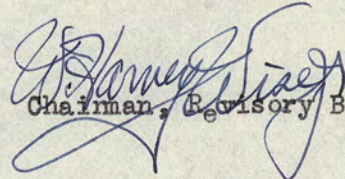
Title: "Leahy's Hotel Guide and Travel Atlas."

Question: Division of opinion as to whether applicant should be required to file an application restricting his claim of copyright to "Guide and Railway Distance Maps, and Air Line Map of the United States."

The application originally filed is incomplete and correspondence was conducted. The new instrument filed seems to be in proper form with the exception that the correspondent has failed to limit the claim as requested in the Copyright Office letter.

In the opinion of Mr. Wise and Mr. Smith the title given in the application is adequate without any limitation of the claim. The copyright in their opinion can cover no more material than that owned by Mr. Leahy. Mrs. Brady and Mr. Pierce, on the other hand, take the position that Mr. Leahy has no claim in the maps owned by Rand McNally, and, therefore, feel that the claim should be limited to the material in which Mr. Leahy claims copyright and vote for correspondence accordingly.

Respectfully submitted,


Chairman, Advisory Board

Enter--order of Mr. Howell 4/4/40.

Book

MEMORANDUM

March 28, 1940

Remitter: E. P. Dutton Company, Inc. (Trust)--Class A.

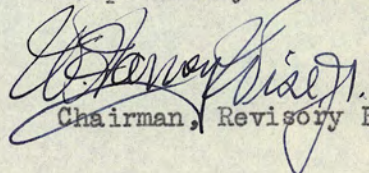
Title: "A Mary Webb Anthology"

Question: Must application for book with illustrations printed abroad restrict claim to text matter?

Applicant has submitted application on form A1 for the work above entitled and the application seems to be in proper form. A statement on the copy is noted indicating that the prints have been reproduced in England.

In the opinion of the Examiner, which is sustained by Mrs. Brady, the correspondent should be instructed to file an application limiting the claim as follows: "Copyright is not claimed on color illustrations." On the other hand it is the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce that registration can be made as applied for. Copyright can only cover the copyrightable material included in the volume and prints reproduced without the limits of the United States are not subject to copyright here. The limitation of claim with respect to the prints seems unnecessary.

Respectfully submitted,


Chairman, Revisory Board

Register--order of Mr. Howell. 4/1/40. Copyright only covers copyrightable material.

MUSIC
(See "Authorship")

M E M O R A N D U M

March 28, 1940

R_emitter: Manet H. Fowler (19762)--Class E.

Title: "Mwalimu Song"

Question: Division of opinion as to whether application contains
full statement of authorship.

Register as applied for--H. A. Howell 4/8/40



AUTHORSHIP

MEMORANDUM

March 28, 1940

Remitter: Manet H. Fowler (19762)--Class E.

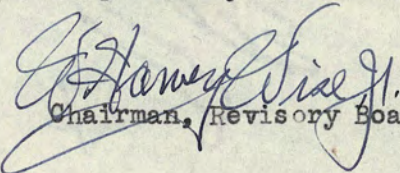
Title: "Mwalimu Song"

Question: Division of opinion as to whether application contains full statement of authorship.

The application and copy agree in all statements with the exception of the one given at the bottom of the copy reading as follows: "translated into Yoruba by Duro Dole Cole." This statement does not appear on the copyright application.

In the opinion of Mrs. Brady correspondence should be conducted and the applicant requested to give such statement in a new application. In the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce such correspondence is unnecessary. The Office has all of the information before it and it is the practice of the Index Section to follow the copy.

Respectfully submitted,


Chairman, Revisory Board

Register as applied for--order of Mr. Howell 4/8/40.

MP-445

MUSIC

HAH: jlp
4-13-40

Robert F. Carney, Esq.
134 South La Salle Street
Chicago, Illinois

Attention: Paul W. Philips, Esq.

Dear Sir:

My attention has been called to the applications filed in behalf of Anne Marie Morris, of Wilmette, Illinois, for certain musical compositions. You first filed applications on Form E in each case, as for published musical compositions giving the date of publication as January 20, 1940, but later on at the suggestion of this Office, you filed applications on Form E-2 as for unpublished musical compositions. You explain, however, that this compliance with the Office request "is not to be taken as an admission of the fact that the songs in question have not been published."

Enclosed is a copy of Bulletin 14 containing the text of the Copyright Act and your attention is called to Section 62 which provides that in the interpretation and construction of this Act "the date of publication shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under this authority."

Section 12 provides that after copyright has been secured by publication with the notice of copyright as provided in Section 9, there shall be promptly deposited "two complete copies of the best edition thereof then published."

Section 11 provides that copyright may also be had of the works of an author of which copies are not reproduced for sale, by the deposit of one complete copy of such work if it be a musical composition. The concluding sentence of this section provides that the privilege of registration of copyright secured thereunder "shall not exempt the copyright proprietor from the deposit of copies, under sections twelve and thirteen...where the work is later reproduced in copies for sale."

HAH: jlp
4-13-40

- 2 -

In your letter of March 1, you explain that photostating the manuscript copies was the only feasible means of producing the two required for copyright registration, but that no copies have been distributed in the photostatic form. Apparently you base the claim of publication upon the distribution of a few hand-written copies of the song to persons who requested them for the purpose of using them publicly. This, however, would not seem to be the kind of publication contemplated by the statute, but rather a limited or restricted distribution of copies for a particular purpose, presumably rendition in public. Performance or rendition in public, however, does not constitute publication within the meaning of the copyright law.

The material has accordingly been passed for registration on the applications received March 20 made on Form E-2; and in compliance with your request, the extra copies and unapplied balance of your remittance will be returned in due course.

Respectfully,

Register of Copyrights

Enclosure:

Bulletin 14

Enter as E2 unpublished and refund balance and return extra copies requested--order of Mr. Howell 4/12/40.

MP-445

MUSIC

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4-13-40

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134 South La Salle Street
Chicago, Illinois

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4-13-40

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Respectfully,

Register of Copyrights

Enclosure:

Bulletin 14

Enter as E2 unpublished and refund balance and return extra copies requested--order of Mr. Howell 4/12/40.

MEMORANDUM

NOTICE

March 28, 1940

Remitter: Charles Scribner's Sons (Trust)--Class **B**.

Title: "It's Always Fair Weather When Good Fellows Get Together."

Question: Division of opinion as to adequacy of copyright notice for a book of prints.

The notice of copyright given on the back of the title-page for the above entitled book of prints is in the following form: "© 1940 Bankers Trust Co., N.Y." The examiner has recommended rejection on the ground that the letter "C" in a circle has been substituted for the word "Copyright".

Mrs. Brady and Mr. Pierce sustain the examiner. Mr. Wise and Mr. Smith take the position that the copyright notice is adequate in that the work is a book of prints. In accordance with Section 18 the notice of copyright employed for prints and pictorial illustrations may consist of the letter "C" in a circle and the name of the copyright owner. It is their opinion that the same notice should be adequate for a book of prints. In any event, there is a doubt, and this doubt should be absolved in favor of the applicant.

Respectfully submitted,

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

"In view of the nature of the work I think we should accept and register.--order of Mr. Howell 4/8/40.