

COPYRIGHTABLE

MEMORANDUM

June 5, 1940

Remitter: John B. Jackson (30103)--Class A?

Title: "Franklin's Gettysvotes Address"

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

The work submitted entitled "Franklin's Gettysvotes Address" is a parody upon Lincoln's Gettysburg Address.

In the opinion of Mrs. Brady the application should be rejected on the ground that the work is against public policy, it not being of a very complimentary character to the President of the United States. Mr. Smith and Mr. Pierce, on the other hand, take the position that registration can be made as applied for. It is true that the work is not in words of praise, but might be termed in the nature of a political brochure, such as is to be expected in a campaign year.

Respectfully submitted,

W. Hamer Wise, Jr.
Chairman, Revisory Board

Enter--order of Mr. DeWolf 6/5/40.

BOOK
(See "Copyrightable?")

M E M O R A N D U M

June 5, 1940

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Enter--order of Mr. DeWolf 6/5/40.



Bob K

M E M O R A N D U M

June 5, 1940 —
(May 29, 1940)

Remitter: Rachel Walt Liessin (45857)--Class A.

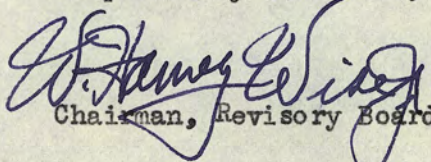
Title: "Songs and Poems (Three volumes) (Yiddish)

Question: Division of opinion as to whether correspondence should be conducted.

Correspondence in this case began during August of last year. A number of letters have been written. It has probably become established that Rachel Walt Liessin received title to this work from her father now deceased. There is some question whether publication first took place on April 25, 1939.

Mr. Smith, Mrs. Brady, and Mr. Pierce take the position that the Office should write again insisting upon a new application giving in space (1) only the name of Rachel Walt Liessin, and a further explanation concerning the date of publication. Mr. Wise, on the other hand, takes the position that no further correspondence should be conducted. The Office has received no reply to its last two letters, and no purpose seems to be served by now repeating the last letter. The Office has before it an application with a sworn statement including the date of publication and the name of the copyright owner. In his opinion the Office is justified to act upon this application and make registration. If it is believed that action upon this application is impossible he recommends filing without action as no purpose seems to be served by this continued correspondence.

Respectfully submitted,


Chairman, Revisory Board

Enter on application received October 14, 1939--order of Mr. DeWolf 6/5/40. "Return earlier copies."

BOOK
(See "Published")

MEMORANDUM

June 5, 1940

Remitter: Local Trademarks, Inc. (35506)--Class A.

Title: "The Story of Trademarks"

Question: Publication .

Reject--it is difficult to believe that there has been any actual publication--order of Mr. DeWolf 6/8/40.

MP-482

PUBLISHED

MEMORANDUM

June 5, 1940

Remitter: Local Trademarks, Inc. (35506)--Class A.

Title: "The Story of Trademarks."

Question: Publication.

Correspondence in this case has been in progress since January 17. Applicant in his letter of May 24 on the subject of publication makes the following statement: "The book is being distributed among our clients, also to prospective clients, to emphasize the advantage of using a trademark to advertise their business."

This statement, supported by a sworn statement of publication, convinces Mr. Smith and Mr. Pierce that the application received on May 25, 1940 should be accepted and registration made as applied for. Mrs. Brady, on the other hand, is of the opinion that no publication has taken place, and submits herewith her statement.

Respectfully submitted,

W. H. DeWolf
Chairman, Revisory Board

Reject--It is difficult to believe that there has been any actual publication--order of Mr. DeWolf 6/8/40.

MEMORANDUM

June 5, 1940

Remitter: Local Trademarks, Inc. (35506)--Class A.

The Genesis of this "publication" is as follows:

Copies and application first deposited January 4, 1940. Affidavit gave date of publication as December 20, 1939. Copies bore notice on cover, 1940. Copies were 10 photostated pages of separate advertising cartoons--each with (c) Local Trademarks, Inc., and all wirestitched into book form with cover and title "The Story of Trademarks." Copyright Office letter January 9, 1940 points out loss of copyright because of date of publication antedating year date in notice and calls attention to doubtful deposits--apparently cartoons designed for newspaper publication. Answer, dated January 19, ignores fact of publication but encloses new affidavit giving date of publication as January 2, 1940. (Several letters follow re "Market Boy Series" which is finally passed for entry.)

The case of "The Story of Trademarks" is resumed in letter of February 23, 1940 and in it is found statement as follows: "This deposit is a salesman's book, we merely distribute it to our salesmen for their benefit and aid in selling other copyrighted work." Another letter dated March 7, 1940, again mentions "distribution to our sales force, which at present numbers ten men." (The date of publication in the affidavit is still January 2, 1940.) and further testifies that the book has been used to solicit sales on the separate cartoons. "It has not been sold to anyone in its entirety up to date (i.e., March 8, 1940). (We are still harboring the affidavit claiming publication January 2, 1940.) Remitter's letter of April 18 says "primarily the illustrations in the book that we are most vitally interested in are five and it is on these we particularly wish to seek protection. Would G2 form be the proper one?"

Then the Copyright Office letter of May 1, 1940 practically forces publication upon them and they come across with a statement of distribution to their clients, this time, and a new affidavit still sticking to January 2, 1940 as date of publication--after all of our helpful hints and come hither letters. They are almost hopelessly stupidly honest.

MCB

MEMORANDUM

NOTICE

June 5, 1940

Remitter: J. O. Frank (33969)--Class A.

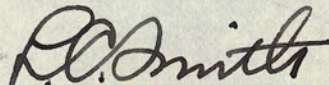
Title: "Mystery Experiments and Problems"

Question: Does copyright notice contain name of claimant?

Upon the title-page appears the title followed by the name of the author, J. O. Frank, and the name of his assistant Guy J. Barlow. That much with certain description takes up two-thirds of the page. Then appears between two lines drawn clear across the page the words "Copyright 1940 Third Edition," beneath which lines appears the statement "Published by J. O. Frank, Oshkosh, Wisconsin."

Mrs. Brady and Mr. Pierce are of the opinion that the notice does not indicate the name of the copyright claimant; while Mr. Smith believes that the title-page shows the copyright claim to be in the name of the publisher and author, J. O. Frank.

Respectfully submitted,



Acting Chairman of Revisory Board

Reject--order of Mr. DeWolf 6/5/40.

