

MINORITY MEMORANDUM

Notice of Copyright

January 13, 1942

Remitter: Field Museum of Natural History

Title: "Prehistoric Man"

Question: The acceptability of the notice of copyright.

The outside cover of this brochure has the following set-up:

PREHISTORIC MAN  
HALL OF THE STONE AGE OF THE OLD WORLD

by  
Henry Field  
Formerly Curator of Physical Anthropology

Picture

Anthropology  
Leaflet 31

Third Edition

FIELD MUSEUM OF NATURAL HISTORY  
Chicago, U. S. A.  
1941

There is no other page given over wholly to the title but on page 5, which constitutes the first page of the text, at the top of the page appears the following heading:

FIELD MUSEUM OF NATURAL HISTORY  
Department of Anthropology  
Chicago, 1941

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Leaflet Number 31  
Copyright 1941 by Field Museum of Natural History

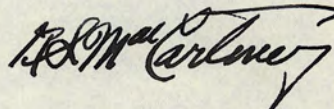
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The title of the work given in the application is "Prehistoric Man."

Mrs. Brady and Mr. Lasica hold primarily that the outside cover constitutes the title page and, therefore, the notice of copyright appearing upon page 5 is misplaced under Section 19 of the Act. They further hold that the title does not appear upon page 5 and that the designation "Leaflet Number 31" does not identify this publication and could not be considered as the title.

Constituting the minority opinion, Mr. MacCarteney is of the belief that the heading on the first page of text at the top of the page can justifiably be considered as a title page and that in so far as the position of the notice is concerned, the requirements of Section 19 of the Act have been met in this case. With respect to there being no title on page 5 in connection with the notice, the undersigned points out that nothing could be more identifying than the statement "Leaflet Number 31" directly above the notice of copyright. This publication is leaflet number 31 of a series and is so stated to be on the outside cover under the particularized title "Prehistoric Man."

It is the minority opinion, therefore, that no bar exists to registration. There is a notice of copyright; it is inscribed on what may justifiably be termed a title page and there is definite identification of the material copyrighted in the form of the title "Leaflet Number 31." Accordingly the registration should be granted upon receipt of an additional complete copy and an application on form A2 since this is apparently a "third edition." This application may, if desired, include the further identification "Prehistoric Man" as a sub-title in line (6).



R. S. MacCarteney

Notice of copyright on page 5 under title "Leaflet 31" acceptable.  
Request A2 application giving title as "Leaflet 31." Could give  
"Prehistoric Man" as sub-title.

W. H. Wise, Jan. 14, 1942.