

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 2, 1942

The Board convened at 9:35 and adjourned at 10:25. Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Lasica.

Total time consumed, 50 mins.
Unanimous decisions, 9

1. Schweizer, Elizabeth L. (6517)--Class A. "Type Art." The notice of copyright appears in the lower right hand corner and reads "TYPE-ART (Copyrighted) Masel Enterprises." Directly across in the lower left hand corner appears the statement "1942 series." This would be an acceptable notice provided Elizabeth L. Schweizer, the copyright owner given in the application, turns out to be doing business as Masel Enterprises, the name in connection with the notice of copyright on the copies. Write and inquire.
2. Dolan, William S. (6608)--Class A. "Protect Insurance, Check Inflation; Buy Stamps and Bonds, And Save our Nation." The work in question is a quatrain of verse urging the buying of stamps and bonds. It would be registrable as a book subsequent to publication with the notice of copyright. Explain.
3. Time, Inc. (Deposit Acc't) Class B. LIFE, Dec. 15, 1941 (4 issues). 125,000 copies of LIFE magazine were on the press when war was declared. These copies naturally were without reference to the eventuating state of hostilities. When the war broke the presses were stopped and changes were made in various editorials and the remainder of the edition was then printed. Both sections, the preliminary of 125,000 copies and the subsequent war edition were published. The Examiner thinks that one registration could be made to cover the two editions. The Board overrules the Examiner and directs that two registrations be requested, advising the applicant who is apparently willing to follow the suggestions of the Copyright Office.
4. McKague, May Weyer (75797)--Class E. "Eyes of the U.S.A." This application bears a statement of new matter in line (7) reading "Recitation Chorus." The Examiner would request the filing of a new application changing the form of claim to "Recitative Chorus." The Board holds this is unnecessary and directs acceptance of the claim as now presented.
5. Jackson, Webster & Read (1747)--Class ? "Fruit Cocktail" and 2 others. Copies of what the Office first considered to be proofs of labels for canned vegetables and fruits, etc. were received with applications on form K. The Office questioned publication and suggested that the proper classification would be KK following publication with notice. Applicants' attorneys now advise that the copies deposited

"are not proofs in that they are actually distributed or published to illustrate to customers and prospective customers certain types of work of the Muirson Label Co., Inc. They should therefore be copyrighted as they are. It is not known at this time that they will ever be used as vignettes on actual labels, although this may be done later on, in which case the entire label may be covered by copyright." The Examiner would still demur. The Board, however, directs resolving the question of publication in favor of the applicant in view of the attorneys' explanation of distribution. Since, though, the notice of copyright on the copies is in pen and ink and they lack a title, these items should be questioned before the applications are passed for registration.

6. Harper & Brothers (Deposit Acc't)--Class A. "Marna i Loara." Held that a book by a Polish citizen, printed in Scotland in Polish and published by Harper & Brothers, New York, N.Y., the author being domiciled in London, England, does not come within the manufacturing provisions of Section 15 of the Copyright Act. Enter as applied for on form A3.

7. Pocket Books', Inc. (No Fee)--Class A. "The Pocket History of the World." This matter was previously before the Board on January 19, 1942 at which time a new application was requested limiting the claim to Chapter 69, the only new chapter in this 1941 edition of the well known H. G. Wells' book. As a matter of fact, registration has been pending since August 14, 1941 due to the confused status of the claim and variances in the name of the copyright owner as explained in succeeding applications filed in this Office. Applicant now wishes to close the matter without perfecting registration. This may be done. Close the case and transfer copies to the Library of Congress.

8. Hughes, Wm. J. Jr. (6368)--Class D. "Bachelor Born. A Play in 12 acts." This work is a manuscript of what is described as "A play in 12 Acts." The Examiner would reject upon the ground that it is not D2 material, not being dramatized with dialogue and directions. Upon examination the Board finds that the work is actually a scenario but that it has been sufficiently elaborated with respect to dialogue, action, etc. to justify reasonably, acceptance as a dramatic composition. Enter as applied for.

9. Paxton, W. & Co., Ltd. (Deposit Account)--Class E. "The Songs of Stephen Foster." The English firm of W. Paxton & Co., Ltd. filed application giving the citizenship of the author as "United Kingdom." The Examiner would question this form of citizenship and would require the filing of an application giving the citizenship as of "Great Britain, South Africa, etc." The Board directs acceptance of "United Kingdom" as a suitable statement of citizenship. It is a well understood expression as designating England, Scotland and (now) North Ireland. Moreover application is filed by Englishmen who should know what constituted an acceptable statement of citizenship of their own nationals.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 3, 1942

The Revisory Board convened at 10:00 and adjourned at 10:45. Those present were Mr. MacCarteney, Mrs. Brady and Mr. Pforzheimer with Mrs. Rafter sitting as a voting member for one corrective entry.

Total time consumed, 45 mins.
Unanimous decisions, 8
Divided opinions, 1

Corrective Entry:

1. Methodist Pub. House (No Fee)--Class B. "Adult Student," Sept., 1941 and "Trailmaker," Aug. 1941. Held that where an incorrect date of publication was recorded but in accordance with the application submitted a corrective entry may be made.

General Business:

1. Berliner, Thelma W. (W.R.40062)--Class E. "Keep Calm." The composer of an unpublished song wishes to assign the copyright to the Office of Civilian Defense. Examiner suggests an assignment be recorded first, then an application for registration be made in the name of the Office of Civilian Defense. This is not possible. The composer himself must take out the copyright which he may subsequently assign to the O.C.D. The O.C.D. being a government agency, could not take initial copyright. Section 7.
2. Peak Exchange Service Inc. (79052)--Class A. "Peak Brand Certified Original Equipment Units...Reconditioned. Catalog No. 10." Examiner sustained in holding that the notice of copyright consisting of the symbol C in a circle and the year date with the word "Peak" in juxta position is defective in that the full legal name of the claimant, i.e. Peak Exchange Service, inc. appears nowhere upon the copies and it is not known whether this corporation is sufficiently well known in the trade to result in being identified in the trade by the use of the word "Peak."
3. Damron, John H. (6827)--Class A. "Fortifying Tables." Held that a notice of copyright is acceptable when separated from the name of the copyright owner provided the owner's name is on the same page. Return to Examiner for further examination regarding other possible informalities.
4. North American Mutual Insurance Co. (6457)--Class A. "A Hospitalization Insurance Proposal for Sickness and Accident." Same as above.
5. Godfrey, Valria (6456)--Class E. "Eleanor, Elsie and Elsa." The statement of composership appears at the top right hand corner of the first page of music, reading as follows: "Lyrics & Music by Valria Godfrey and Neville

Godfrey." The word chorus appears at the left of Neville Godfrey's name. The Examiner is of the belief that Neville Godfrey wrote the chorus which would create a variance with the application giving Valria Godfrey as the composer of the music. To the Board, the placement of the word chorus refers to the music, that is the chorus which in this case precedes the verse and it is just a happenstance that the word appears in relation to Neville Godfrey's name. Enter as applied for.

6. Songer, Delver E. (No Fee)--Class K. "Sic' Em Yank." This work is a sticker bearing the national colors on which the slogan "Sic 'Em Yanks" appears. Reject as not subject matter for copyright.

7. Kohn, Milton (5138)--Class G. "Faceless Sculptured Statuette." This matter was before the Board on January 27 at which time the Board, consisting of Mr. MacCarteney, Mr. Pforzheimer and Mr. Lasica were of the unanimous opinion that three registrations, one for each of the three figures deposited, were in order notwithstanding two of the figures appeared to be reproduced from the same mold, the difference being one of surface ornamentation rather than contour. Mr. Pforzheimer now wishes to reconsider and he is sustained by Mrs. Brady in a new majority opinion that only one registration for the sculpture resulting from the one mold is in order. Mr. MacCarteney adheres to the original recommendation that the difference in surface ornamentation creates a new work and this Office accordingly should not suggest only a single registration. Appeal.

*Primarily Sustained - Separate registrations
for separate marks - W. B. Wise - 2-4-42
See Bureau "Separate Registrations"*

WLP:jem

MAJORITY MEMORANDUM

MP-1134

SEPARATE REGISTRATIONS

February 3, 1942

Remitter: Milton Kohn

Title: Faceless Sculptured Statuette

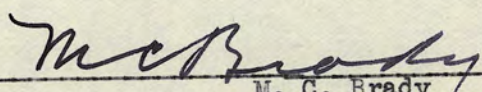
Question: Whether one or two registrations are in order for two identical statues of a Sailor Boy, the only distinction being in the color of the uniform.

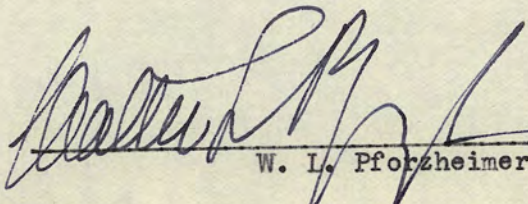
The remitter deposited a photograph of three figures, two of them being sailors and one a soldier. This memorandum does not concern itself with the figure of the soldier. The two sailor figures appear to have been cast in the same mold and the only distinction is that the uniform on one is painted white whereas the uniform on the other is painted blue. Whereas the white uniform has blue stripes, the blue uniform has white stripes. Registration of these works is applied for as a "Sculpture".

The minority position is that a separate registration must be made for each of the two works due to the different coloration. The majority contends, however, that only one registration is in order on the ground that mere differences in coloration are not grounds for a separate registration for a statue or sculptured work. The majority's position is strengthened by the fact that these two figures are cast in the same mold and, therefore, can hardly be termed two different sculptured works.

The position of the majority is strengthened by reference to Mrs. Brady's notes referring to an interview between the Register of Copyrights and a distinguished sculptor, Percy B. Baker, on December 27, 1941. At the time, a separate registration was made for a second model of a statue which differed only slightly from the first model thereof. The basis of this second registration was the fact that an entirely new mold was made for the second statue and therefore some changes inevitably followed.

In the case under consideration, however, both figures were struck from the same mold and there appears to be no basis for two registrations merely because different pigmentation has been applied to the product of this mold. Only one statue in effect exists.


M. C. Brady


W. L. Pforzheimer

Minority sustained. Separate registrations for separate works. W. H. Wise, Feb. 4, 1942

MINORITY MEMORANDUM

SEPARATE REGISTRATIONS

February 3, 1942

Remitter: Kohn, Milton (5138)

Title: "Faceless Sculptured Statuette" (3 figures)

Question: Whether two sculptural deposits resulting apparently from the same mold, i.e., identical in contour but different as to surface ornamentation, require separate registrations or whether a single registration for one of the sculptures elected by the applicant suffices.

The deposits in question are two small sculptures of a United States sailor in uniform; one of the deposits shows him in a blue uniform and the other in a white uniform. The Majority opinion is that since the deposits were apparently made by or taken from a single mold that only a single work results and applicant may elect to register either one but not both of these deposits.

It is the Minority opinion that surface ornamentation is an item of copyrightability and a difference of surface ornamentation as between otherwise identical objects results in their being two separate subjects for copyright. This principle is established in design patent law wherein it is well settled that a design patent is not limited to the shape or configuration of the article, but includes as well surface ornamentation, the purpose in both cases being to give artistic appearance to the article either by its shape or by the ornamentation appearing thereon or both combined. Here we have a difference in surface ornamentation to the extent of entire different uniforms. The Minority is therefore of the opinion that a separate registration for each surface ornamentation should be requested.


R. S. MacCartney

P.S. Fruther scrutiny of the statuettes indicates the probability that they were not reproduced from the same mold. The thumb of the left hand of the sailor in white is separated from the fingers whereas the thumb of the sailor in blue touches his forefinger. The arm of the white-clothed sailor is noticeably longer and heavier than that of the blue-clothed sailor. There is a deep indentation of the hat of the sailor in blue which is not apparent in that of the sailor in white. The base on which the sailor in white stands is rounded whereas sharply defined angles are observed with respect to the base on which the sailor in blue stands. Thus, upon the basis of the Majority's own stand with respect to separate registrations having been granted where slightly differing models of a statuette were submitted two registrations in this case should also be made.

Minority sustained. Separate registrations for separate works. W.H.Wise-2-4-42

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 4, 1942

The Revisory Board convened at 10:05 and adjourned at 10:55. Those present were Mr. MacCarteney, Mrs. Brady and Mr. Lasica.

Total time consumed, 50 mins.
Unanimous decisions, 6

1. Boosey & Hawkes, Inc. (Deposit Acc't)--Class E. "Sonate Pour Violon et Piano" and 12 others. Two versions of this work were submitted for copyright registration, one the original piano and orchestra concerto and the other, two piano version. The dates of publication were October 28, 1941 (for the orchestral score) and October 16, 1941 (for the two piano version). Forms E-For. were submitted for both versions. The Examiner passed the application for the two piano version and requests the filing of an application on form E1-For. for the orchestral work. The Board overrules the Examiner holding that the work for piano and orchestra is the work in the form in which it was undoubtedly composed. In other words, it is the original work and as such takes form E-For. The difference of a few days between the publication of the orchestral score and the two piano arrangement would not result in the orchestral score being considered as a reissued work with new copyright matter. In effect there was simultaneous publication. Register the score upon form E-For. as applied for.
2. McCoy, Orlando Z. (6826)--Class G & K. "Patriotic Poster: President Roosevelt and Uncle Sam before a microphone, against a background of an American flag." The work as deposited appears to be a photograph of a painting although applicant files an informal application obviously reproduced from our form H. The work was described in the letter of transmittal as "patriotic poster." Obviously the photograph deposited is not the poster referred to in applicant's letter. Explain publication and advise if protection is desired for the painting, application on form G2 is in order. For the poster, apparently form K would be proper upon deposit of copies as published with notice.
3. Mears, Neal F. (6967)--Class A. "Who's What in the Army." Under paragraph 1 of Rule 201.4 as amended registration may be had for the compiled text appearing on this article. A new application, however, is necessary including a disclaimer as to the device feature involved.
4. Argus Publishing Co. (7486)--Class A. "On Shifting Sands." Held that a notice of copyright including the word "Copyright" and the name of the claimant with the year date of publication appearing directly above the notice is acceptable but write warning letter.

5. Bermann-Fischer Verlag A.B. (5817)--Class A. "Das Lied von Bernadette" and one other. The Examiner would question the citizenship of Stefan Zweig appearing in the application submitted as of Great Britain notwithstanding it has been established through correspondence that Mr. Zweig swore allegiance to Great Britain after Hitler took possession of Austria. The Board overrules the Examiner and directs entry as applied for. With respect to the book by Franz Werfel, request a new application in pen and ink and inquire as to the citizenship of the author and his possible domicile in this country.

6. Union Special Machine Co. (W.R.40050)--Class A. "Seasons Greetings 1942." This issue of the Union Special Machine Company yearly calendar has twice been denied registration upon the ground that the notice of copyright when the calendar is opened and hung appears upon the back of the work and is not upon the title page or page immediately following. This same question arose with respect to the 1937 issue of this work and was referred to the Revisory Board which at that time deemed the notice acceptable and the work was passed for entry. The Board makes the same finding with respect to the present 1942 calendar. As published with the calendar pad tucked under the flap the notice of copyright is apparent upon what could be considered the title page, the title reading "Union Special Machine Co. [Calendar] 1942." Request a new application giving this title and enter upon its receipt.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 5, 1942

The Revisory Board convened at 10:15 and adjourned at 10:55.
Those present were Mr. MacCarteney, Mrs. Brady and Mr. Pforzheimer.

Total time consumed, 50 mins
Unanimous decisions, 5

1. Bendix Aviation Corp. Eclipse, Aviation Division. (W.R.40067)--
Class A. "Porosity in Aluminum Castings." The deposits in question
are typewritten copies, one original and one carbon dealing with the
subject of porosity in aluminum castings. Photographs are interspersed
throughout the manuscript, the whole of which is held together by staples.
The Office originally denied registration for the work as a book upon the
ground that statutory publication apparently had not been effected. Appli-
cants claim that publication was predicated upon the deposit of one copy
in a free public library and the deposit of two copies in the Copyright
Office. In answer to the Office rejection applicant files a brief contend-
ing that publication has taken place, citing many cases, including the
well-known Stern v. Jerome H. Remick case and the Cardinal Film case.
Applicant also questions the authority of the Office to deny registration
in the face of the facts as stated and the decision delivered. The Revi-
sory Board after careful consideration of the matter is of the opinion
that the copies deposited do not constitute copies of a bona fide edition
such as are required under Section 12 for purposes of registration. The
Board refers the application to the Assistant Register with this finding.

2. Goes Lithographing Co. (6215)--Class K. "No. 10n Needle Point Floral
design for bridge table top" and two others. The deposits are large
lithographs the size of an ordinary bridge table top and they reproduce
needlepoint designs. The Office advised the applicant that since the
articles deposited were apparently utilitarian in purpose, that is, to
be used as bridge table tops, they would not be subject for registration
under the copyright law. Applicant refiles upon form H, omitting reference
to the bridge table tops. Examiner would again reject. The Board, how-
ever, would write first and inquire as to the purpose of the deposit. The
deposits definitely are not registrable as reproductions of works of art
since the originals, i.e., the needlepoint, would be articles of utility.
But if the illustrations are published as guides for the needlepoint work
they possibly could be registered as prints. One of the works deposited
No. X20048 seems to lack a notice of copyright.

3. Pappas, William C. (7065)--Class J. "Rear Admiral Richard E. Byrd."
Examiner would reject this photograph since no notice of copyright appears
upon the copies. The Board, observes, however, that the application does
not give a complete date of publication and accordingly directs that in-
quiry first be made as to whether publication has actually taken place
(explaining publication) before final action is taken.

4. Partlan, A. J. (No Fee)--Class A. "Why". Copies of the work as originally deposited bore a 1940 notice of copyright whereas the application gives the date of publication as December 29, 1939. The application accordingly was rejected. Subsequently some doubt arose as to whether publication had actually taken place. The Office is now advised that some twelve copies were sold and six others given away to friends. Inquire as to whether copies were sold or given away in 1939 and if so whether these were subsequently recalled [Section 20 could be invoked if all copies published in 1939 with a 1940 notice were recalled].

5. Wright, Johnnie and His Tennessee Hillbillies (81449)--Class E. "Gran' Dad He's Not Old," "Back Over the Mountains," "He is My Saviour" and 7 others. Applicant first sought to substantiate publication upon the ground that these compositions were offered for sale by radio. Although there seems to be some question as to whether applicant offered copies for sale in this manner the Revisory Board was willing to accept applicant's statement of publication. Now, however, the Office is advised that copies are not going to be placed on sale for the present time and registration is sought under Section 11, i.e., for the works as unpublished. Examiner sustained in her recommendation that registration will so be made since it was the original view of the Office that publication had not in fact taken place.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 6, 1942

The Revisory Board convened at 10:00 and adjourned at 11:10. Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Lasica.

Total time consumed, 70 mins.
Unanimous decisions, 14

1. McKay, David Co. (No Fee)--Class A. "Keres' Best Games of Chess." This book is as the title suggests a compilation with annotations of the chess games of the great chess player, Keres. The dust jacket contains the statement "Chosen and Annotated by Fred Reinfeld in consultation with Paul Keres who also contributes a Preface." It appears to the Board that Fred Reinfeld is unquestionably the author of this work and not Paul Keres who is given in the A4 application. The Board recommends that a new form A4 giving Fred Reinfeld as author and his citizenship be suggested. Paul Keres is a citizen of Esthonia with which the United States has no copyright relations and he accordingly would be debarred from United States copyright unless he were domiciled in this country which is not the case.
2. Barfield, Johnnie (7527)--Class E. "I Don't Have to Love You." Applicant submits a music manuscript with the first verse visibly set to the music and a supplemental sheet with three additional verses. Examiner would question whether these additional verses fitted the music. The Board overrules the Examiner inasmuch as the additional verses are in the same meter as the verse set to music and the thought throughout is progressive with the last line of the last verse corresponding with the last line of the first verse. Enter as applied for.
3. Stern, Harry E. (7784)--Class A. "We Are Prepared with Air Raid Equipment." The deposit is a cardboard strip with the statement "We are prepared with air raid equipment" in blue and red. There are spaces provided for the names of the Post Warden, District Warden and the Building No. and Street. That is all. Examiner sustained in holding that there is no subject matter for copyright apparent. Reject and refund.
4. Uhls, Nolan B. (7630)--Class ? "'All Out' War Game Directions." This work is a game consisting of a pictorial container or box on which there is a notice of copyright, printed directions which also bear notice of copyright and a set of cards which bear notice of copyright on the backs thereof. Examiner sustained with respect to cards not being registrable due to faulty position of notice and also as to registrability of directions. Examiner does not mention possibility of registration of the box top as a label and the Board therefore recommends referring the matter to the Print and Label Examiner for possible action under that classification.
5. Hovey, C. Earl (7559)--Class K. "Remember Pearl Harbor." The copy deposited is apparently a photostat with a conventional border and the slogan

"Remember Pearl Harbor" printed across the letter "V". This work was rejected as not subject matter of copyright and applicant's attorney requests reconsideration upon the argument that the work consists of "a combination of features removing the same from the realm of a mere expression." Following reconsideration, however, the Board sustains the Examiner in again holding that there is nothing copyrightable in the work as deposited. It is a conventional combination of three uncopyrightable items.

6. Willy, John Inc. (Deposit Acc't)--Class B. HOTEL MONTHLY, Jan. 1942. Held that the presence of the necessary elements of a copyright notice upon the same page but in no way connected with each other does not constitute compliance with the provisions of Section 18 with respect to the form the notice should take and such notice is, therefore, not acceptable.

7. Constitutional Money League of America--Class A. "Engraving for Printing the new Commodity Dollar (Five dollars - Constitutional Money." The work deposited is a sample of a so-called constitutional money note. The work as deposited, since it contains text and illustrations, would seem to be an unpublished book. Explain possible registration as a book following publication. Explain publication. Do not suggest registration as an unpublished drawing.

8. Fletcher, Wm. E. S. (6816)--Class J. "Light Beyond." The face of this photograph bears an ink notice reading "© W.E.S.F." The statement "From Fletcher's Studio Waynesburg, Pa." is stamped on the back of the photograph. The claimant in the application is William E. S. Fletcher. Examiner indicates rejection by holding that the full name of the claimant is lacking. The Board directs, however, that a letter be written inquiring as to whether William E. S. Fletcher is d.b.a. Fletcher Studio (the name on the back of the copies.) If so, the notice would be acceptable provided it appeared on all copies.

9. Reid, W. H. (Mrs.)--(6286)--Class E-For. "She was in the Park." The copy deposited has been reproduced by some multiple process although apparently not from plates. The Examiner makes the statement "Since this firm of publishers is not known here, the question arises, has the work actually been published." Such an inquiry is irrelevant since it makes no difference whether a particular firm is known in the Copyright Office for purposes of registration. Enter as applied for.

10. Florio, Erseny (6982)--Class G. "Victory - Eagle with spread wings." Applicant originally submitted an application on form G (the old form) for a work described as a model or design of an eagle with wings spread open, perched on an object having on it the word "Victory." The Office requested G2 or G1 in place of the old form G. In response applicant filed two forms G1. Examiner requests two copies of the best edition as published, indicating her belief that the work as a piece of statuary has been placed upon the market. There is nothing specific to indicate publication has taken place and the Board is of the opinion that the original form G would seem to fit this case perfectly. Accordingly it directs acceptance of the original application based upon the photographic copy wherein the position of the object photographed, i.e., the eagle, has not been photographically transposed.

11. Caraway, David Edwin (7218)--Class E. "Tall Sails." This deposit from a member of the armed services at Pearl Harbor, Hawaii, is a musical composi-

tion consisting of words and music. Preceding the music are two stanzas entitled "Recitative" for which there is no music. The Examiner would return the copy to Hawaii for removal of the "Recitative" in the absence of musical notation. The Board directs entry upon the copy as deposited noting the address of the remitter. We are in possession of the complete musical composition which fulfills the provisions of the Statute.

12. Polachek, Zoltan H. (7012)--Class K. "The Bill of Rights." Held that a parchment reproducing The Bill of Rights against a pictorial background is registrable as a print without limitation. The classification automatically designates the subject matter. Request application on form K.

13. Patrick, Bobbie (7070)--Class E. "I Wanta Sing." Under the title of this song is the statement "by Bobbie Patrick." At the right appears the following "Set to Music by A.H." The application gives Arthur Herzog, Jr. as the composer of the music and Bobbie Patrick as the author of the words. The Examiner senses a doubt as to the true facts of authorship. The Board can see no doubt. Bobbie Patrick is the remitter and would not credit Herzog with the composership if he had not composed the music. Enter as applied for.

14. Lum, Maryette H. (Miss)--(6727)--Class A. "Songs of Chinese Children." This work apparently was first printed and published in Peking, China in 1936. Subsequently in 1939 it was printed in the U.S.A. by Suttonhouse Publishers, Inc., a firm now out of business, and published with the notice of copyright in the publisher's name. Accordingly the present applicant who is the author states that Suttonhouse subsequently reassigned the copyright to her and she as claimant now applies for registration in her name. It further appears from correspondence that the assignment in question was sent to this Office but the Office has no record of having received it. The Examiner recommends the recordation of the assignment, registration in the name of the present owner by means of form A2 and the deposit of two copies as actually published, presumably without the amended notice. The Board concurs in requesting the filing of an assignment if it can again be obtained. In the absence of an assignment, however, registration in the name of the author is not precluded. The Board is further of the opinion that if the statement "Second Edition" appearing on the copyright page is actually the first United States printing and the first edition was the Chinese printing, form A1 is correct.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 9, 1942

The Revisory Board convened at 9:30 and adjourned at 10:45. Those present were: Mr. MacCartney, Mrs. Brady and Mr. Pforzheimer with Mrs. Rafter sitting as a voting member for one corrective entry.

Total time consumed, 75 mins.
Unanimous decisions, 14

Corrective entry:

1. Paragon Oil Co., Inc. (KK11290) "How to Reduce Living Expenses." Where an incorrect statement of authorship is recorded a corrective entry may be made. Request new copies, application on form KK and the registration fee of six dollars.

General Business:

1. Graham, Fred (No Fee)-- Class D. "The Great Armistice." The deposit is an outline of a religious and patriotic pageant. Examiner would preclude registration even if the work was completely worked out upon the ground that it consisted of nothing more than the Gettysburg Address, music in the public domain and Biblical quotations. The Board overrules the Examiner in this regard. If a completely worked out copy can be filed registration will be in order. There is original authorship involved in the selection and arrangement, i.e., compilation. The work would be registrable as a dramatico-musical composition.

2. Swift, John S. Co., Inc. (7699)--Class A. "Tariff No. 275 Export Rates on Classes and Commodities." Held that where the name of the copyright claimant appears prominently at the top of the page and the notice is at the bottom such notice will be acceptable inasmuch as the other names appearing upon the page are but agencies of the claimant.

3. Herbert, Edwin (2250)--Class E. "Hello New York," "Winter Time," "H.M.S. Malaya March." Applicant advises the Office that he is doing business both as Edwin Herbert Music Publishing Co. and Edwin Herbert Music Publications. These names appear respectively in the notices of copyright on the two musical compositions in question. Examiner would request applications giving only Edwin Herbert Music Publishing Co. in connection with the name of the sole owner. The Board, however, directs that applications be filed giving the name of the copyright owner as it appeared on the specific copies in each instance. The d.b.a. statements, however, are correct in so far as the inclusion of Shoonmaker's name is concerned.

4. Tichnor Brothers, Inc. (7583)--Class K. "St. Augustine Alligator Ostrich Farm Souvenir Folder." This work is a souvenir folder containing a number

of prints attached in the usual strip form to the outer cardboard folder. There is also a page of text involved. The abbreviated form of copyright notice appears only on the outside cover in connection with the title and pictorial illustration there. Examiner would reject outright. The Board holds, however, that registration may be made upon a new application on form K omitting reference to a souvenir folder in the title. There is definitely a notice of copyright referring to that particular print. Such notice, however, would seem to be applicable only to the one print on which it occurs without extending to the strip of prints constituting the enclosure.

5. Buckley (Earle A.) Organization (67458)--Class A. "Molders of Genuine Hard Rubber and All Plastics." There has been much correspondence with respect to securing registration for this single sheet and applicant wearying of further correspondence wishes to withdraw his application and close the matter. Examiner would again request a new application giving the title as it appears on the single sheet. The Board is of the opinion, however, that since we have an application giving the title of the entire folder as published including the sheet in question, that the registration may be made based upon the complete deposit. The title suggested by the Examiner, i.e., "Molders of Genuine Hard Rubber and All Plastics" may be added by the Index Section.

6. Adcraft Club of Detroit (83184)--Class B. "The Adcrafter" Vol. 19, No. 50, December, 1941. This matter was before the Board on January 21, 1942 at which time the Board recommended entry of the work as a print and not as a contribution to a periodical as the Examiner wished. The work is a pictorial cover of a magazine and bears a separate notice of copyright. Examiner sustained in requesting a new application on form K giving the title as "The Adcrafter, Vol. 19, No. 50, December, 1941 [cover print]." Examiner overruled in protesting the classification recommended by the Board and also with respect to the necessity of requesting another copy. The second copy of this publication which has been forwarded to the Library of Congress may be recalled.

7. Hilton, Lila Douglas (6647)--Class C. "Rhymes by Jhymes (to be spoken or sung on radio)." The deposit consists of a series of brief rhymes or jingles. Question the material as constituting a bona fide lecture or lectures. It appears to be nothing but a series of unpublished rhymes.

8. Fuller, Chas. Richard (No Fee)--Class E. "There's a Place in My Heart for You." There have apparently been some six registrations previously made under this title for what is understood to have been basically the same work. The last registration was in 1940 and was for an unpublished musical composition. The present deposit represents a published edition and gives the following copyright information; one Notice of copyright as of 1940 in the name of Charles Richard Fuller and a notice of copyright assignment as of 1942 to Mion Music Company. The present application is in the name of the assignor, Charles Richard Fuller. It appears upon comparison that the work as now published is substantially the same work as was copyrighted in unpublished form in 1940. Registration for the work in published form would accordingly be in order under the provisions of Section 12. Request, however, a new application in the name of the assignee Mion Music Co., since they are the present owners according to the notice

of assignment on the copies. The Board also recommends that inquiry be made as to whether the assignment has been recorded. If not, it should be placed of record.

9. Skinner, S. P. Co., Inc. (7302)--Class J. "Historic Meeting at Sea. President Roosevelt - Prime Minister Churchill." This deposit is a reproduction on a tile of the famous photograph showing President Roosevelt and Winston Churchill shaking hands on board a battleship at their meeting at sea on August 9, 1941. Applicant wishes to copyright this decorative tile as a work of art and states that he has permission from the secretary of the President to use the subject, i.e., the photograph, for this purpose. Examiner merely points to an inadequate notice of copyright reading "Copyright applied for." It is not established that this work, that is the tile, has yet been published. Indeed, the implication is otherwise. However, in view of the fact that the photograph is not the property of the claimant the Board directs that the question should be raised as to the basis of this claim. There is no authorship apparent in this reproduction of a published photograph. Request information as to the process involved.

10.. Boucher, A. J. (7540)--Class E. "Homo Quidam," "Ave Maria," "Petite Pastorale de Moël" and "O Salutaris with Tantum Ergo." This is a case of where there was original publication of the music abroad without notice of copyright. The Examiner recommends republication with proper notice which is correct, but she specifically requests the filing of a new application giving the date of publication as the date on which copies were published with correct notice. This is not the policy of the Office. Applicant should be advised that following republication with correct notice an appropriate application should be filed without specifically advising which date of publication to use, the date of original publication without notice or the date of republication with correct notice.

11. Empire Publication (1493)--Class E. "The Phony Little Man with the Trick Moustache." This matter was before the Board on January 15 at which time the Board directed inquiry as to whether copies of the first foreign edition of this work were published in the United States of America with faulty notice. If such was not the case, the Board ruled that entry could be made following republication with correct notice. It now transpires that the work has not yet been published in the United States but that a complete edition is shortly to make its appearance here. Examiner sustained in her recommendation that following publication of the American edition application for registration should be filed upon form E together with copies of the edition as published here.

12. Florio, Erseny (6982)--Form G. "Victory" (Eagle with spread wings). This matter was before the Board on February 6 at which time the Board directed registration as applied for on the old form G. Upon reconsideration due to the presence of a specific date of publication in the application, the Board directs that inquiry should first be made as to whether copies of the sculpture have actually been published. If so, application must, of course, deposit two copies of the published work. If it transpires that publication has not yet taken place, the application form G now in hand is acceptable.

13. Barfield, Johnnie (7527)--Class E. "I Don't Have to Love You." This matter was before the Board on February 6 upon a question of adaptability of three additional verses (submitted on a separate sheet) to the music. The Board overruled the Examiner inasmuch as the meter employed in the additional verses was the same as the meter employed in the verse as visibly set to the music. The Board sent the application back to the Examining Section for entry as applied for. The Chief Examiner resubmitted the application to the Board, insisting that the musicians in the Examining Section were unable to fit the words to the music--that they were not singable to the music. The Board affirmed its original decision, holding that the additional verses fit the music quite well and that they can be sung to the music without exception. The Board again directs entry as applied for.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 10, 1942

The Revisory Board convened at 10:00 and adjourned at 10:45. Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Lasica.

Total time consumed, 45mins.
Unanimous decisions, 6

1. Westbrook, Edward (No Fee)--Class E. "I Wonder What Became of Flo?" "I'm a Soldier in Love." The applicant in one of his letters stated that one hundred copies of each of these songs had been reproduced "for the purpose of being distributed to the public for sale." The Examiner construes this statement as indicating that publication has taken place, overlooking the definite statement made in applicant's last letter of January 30 that "they [the copies] were not distributed to the public or either published." The date of reproduction is placed on the application blanks." The Board overrules the Examiner, holding that publication of these songs has not yet been effected and directs that forms E2 be requested.
2. Asher, Emil Inc. (7904)--Class E. "On the Dial." The manuscript deposited consists of some twenty-five pages of music divided into 53 consecutive themes. The music is described on the copies as "Musical themes for radio." The Examiner simply questions whether the copy deposited is complete, being of the belief that the title "On the Dial" represents an actual dramatico-musical composition. The Board would inquire first whether this is so. The description "Music themes for radio" seems to imply general use for describing action rather than constituting excerpts from a musical play.
3. Krouse, Sammy (2144)--Class D. "Love at First Sight" [or] "Good Bye Sweetheart." The Office questioned the acceptance of the copy deposited as reasonably fulfilling the requirements of a complete dramatic composition. Page 3 of the script in some places indicates the dialogue without actually expressing it. The applicant who admits she is an amateur seems somewhat bewildered as to what the Office really requires. Moreover, the Examiner in a note attached to the correspondence states that she considers the script as it stands ^{so} nearly sufficient for registration that it could almost be accepted as is. In view of these circumstances the Board is of the belief that registration may be granted upon the copy as deposited, it being sufficiently elaborated to be considered as a complete copy of the indicated play. Register as applied for.
4. Dubler, Herbert Inc. (8660)--Class K. "10H 276" to "10H 303" There are three groups of these Berta Hummel prints. One group bears the symbol "C" in a circle on the face of the print in connection with the artist's name; another group has the symbol on the face of the print without the monogram or initials of the copyright owner; whereas the third contains the Ars Sacra symbol in connection with "C" in the circle. All of the prints have

have notices on the back of the folder in the name of Herbert Dubler, Inc. with the name Ars Sacra above. Herbert Dubler, Inc. is given as copyright owner in the applications. The Examiner holds that the notices are faulty and would reject. Since, however, the folders can be opened out and as each work was doubtless struck from a single plate, there is a notice of copyright on each one that agrees with the claimant in the application. The Board directs that inquiry be made to ascertain whether Herbert Dubler, Inc. is the copyright owner under the terms of a contract with Ars Sacra and or Berta Hummel. If so, the entries can be made since the full notice on the cards is acceptable.

5. Pabst, Otto H. (7856)--Class E. "She's in the Navy Now." This work was originally rejected upon the ground that there was no notice of copyright on the copies. It appears, however, that the work was not published, only a few copies having been given to friends. The Examiner would have these copies recalled. The Board, however, holds it unnecessary since the work is unpublished. The copyright law does not require a notice of copyright on an unpublished work. Applicant might, however, be warned of the danger in distributing too many copies without notice since he might effect publication in that manner. Ask for application form E2.

6. Irwin, Ben (7538)--Class A. "Limericks of Beaverton." The only item before the Board in this case is the correctness of the copyright notice which the Examiner states lacks the year date of publication. The year date, however, is plainly visible in the notice which appears on the top of page 1 reading "Copyright nineteen forty-two, for Ben Irwin of Beaverton, Or." Examiner otherwise sustained with respect to the unpublished status of the work at this time.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 11, 1942

The Revisory Board convened at 9:30 and adjourned at 10:00. Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Pforzheimer

Total time consumed, 30 mins.
Unanimous decisions, 6

1. Loucks & Norling Studios (76171)--Class M1. "Measurement in the Metal Working Industry." Application for registration of this motion picture was originally filed in the name of the United States Office of Education which is a unit of the Federal Government. It subsequently transpired that registration should have been applied for in the name of Loucks & Norling Studios and the copyright subsequently assigned to the United States Office of Education. The Office wrote on December 11 so advising Loucks & Norling Studios. To date no answer to this letter has been received. Examiner in his recommendation suggests that we should inquire whether the picture can be registered as an unpublished work, it having been established through contact with the United States Office of Education that publication had not taken place as of November 24, 1941, the date given on the M1 application originally filed. If the work has not subsequently been published, application on M2 would be correct and also a fee should be secured for the recordation of the assignment.

2. Calhoun, G. B. (8066)--Class A. "Japanese Hunting License." This work is one of the numerous so-called Japanese Hunting licenses. It reads as follows: "This Entitles, name..... to Hunt or Trap any yellow Japanese slant-eyed Rat found in the U.S.A. or her possessions. NO BAG LIMIT, Signed Uncle Sam." The well-known slogan "Remember Pearl Harbor" is also printed on the card. Examiner sustained in holding that this card does not contain registrable material. Moreover, the notice of copyright is fatally defective, lacking the year date of publication and the name of the copyright owner. Reject.

3. Appleton, D. Century Co., Inc. (8124)--Class A. "Sheriff Olson." The stories in this book originally appeared in the SATURDAY EVENING POST magazine over a period from May 14, 1938 to December 7, 1940. For the work as now published in book form, applicant files an application on form A6, giving the nature of the new matter as "additions to text." Examiner would request an application on form A1 giving the name and citizenship of the compiler or:and editor. The Board overruled the Examiner and directs entry upon form A6 as submitted as there is new matter according to application, such new matter resulting from the authorship of M. G. Chute, author of the original story.

4. Seeger, Peter (8307)--Class E. "Taking it Easy" and four others. Applicant files application for registration of five musical compositions claiming

upon "words and adaptation." Examiner would inquire as to what is meant by adaptation. In the absence of other informalities the Board is of the opinion that registration may be made as applied for. New words are copyrightable and "adaptation" is an item in Section 6 of the Act providing for a basis of copyright. It is not necessary to know whether the words were adapted to "traditional tunes" or whether it was the melody that was adapted.

5. Owen, A. V. (5879)--Class A. "1942-1943 Ashland and Vicinity Home Builders Guide and Handy Document File." The deposit is a book of advertisements of materials to be used in the construction of a house, the novelty being that each advertisement is on the outside of an envelope which can be used to hold documents. The Examiner would reject upon the ground that the file is an article of use. The Board overrules the Examiner holding that the utilitarian aspect is only incidental. There is definitely copyrightable text and illustrations and the fact that envelopes form the pages of the bound book would not preclude registration under the Copyright Act. The Amberg file case is not applicable here. There was no question of any text matter involved.

6. Kahler, William Thaddeus (81731)--Class E. "Royal Rosarians," "Blue Ribbon" and "The March of the Mystic Shrine." These musical compositions were originally deposited bearing a notice of copyright as of 1914 and '15. Applicant assured the Office that although the printing was completed in those years, actually copies were never placed in circulation; in other words, the works were unpublished. The Office advised amending the copyright notice to include the year of publication as of 1942. Applicant instead consulted an attorney who now informs the Office that it is his belief that since a small quantity of the copies were printed and ready for use in a small limited way, publication took place in 1914 and '15. He is not, however, able to furnish an exact date of publication. In the absence of an exact date, the applications, of course, are not acceptable. The Board, however, directs that a letter be written to applicant's attorney explaining publication and pointing out that if publication did take place according to the applications now filed, the copyrights would have almost expired. It is not clear that such publication did take place.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 12, 1942

The Revisory Board convened at 9:45 and adjourned at 10:35. Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Lasica.

Total time consumed, 40 mins.
Unanimous decisions, 7

1. Mock & Blum (No Fee)--Class G. "A Grotesque Figure Simulating a Horse." Applicant originally deposited a photograph of what was apparently a model for a jointed toy--if it were not, indeed, the actual toy itself. The Office rejected the application pointing out that toys and dolls were not subject to copyright protection. Applicant replies asserting that "the work is nothing but a statue or statuette." Examiner sustained in again rejecting the application. The material is not registrable as a work of art and it is at the discretion of the Register of Copyrights to determine what is a work of art under an opinion of the Attorney General of the United States.
2. Freeman, J. Stuart (No Fee)--Class A. "Pritz Mortgage Calculator." The deposit is a jacket containing a slide on which are printed columns of figures relating to various mortgage charges. Examiner would require a disclaimer "on device features." The Board sees no mechanical features involved. The jacket simply acts as a straight edge and no manipulation is necessary to secure the information sought. The presence of the jacket merely makes the information sought easier to read. Inquire, however, if the copies deposited are published and if not request copies of the best edition. Explain publication and proper notice of copyright.
3. Anderson Pub. Co. (Deposit Acc't)--Class B. INTERIOR DESIGN AND DECORATION, Jan. 1942. Examiner states primarily that the applications cannot be identified with the copies two of which are of the Midwestern Edition and two of which are of the Metropolitan New York Edition. In this respect the Examiner apparently overlooked the statements appearing on pages 42A and 42I of the two editions reading "Midwestern Edition" and "Metropolitan Edition" respectively. Examiner sustained as to variance in title, the title in the applications being "The Decorators Digest Interior Design & Decoration" while the title on the title-page and throughout the copies is "Interior Design and Decoration." The statement at the bottom of the title-page that the title "Interior Design and Decoration, The Decorators Digest" is registered at the Patent Office perhaps applies to the title as formerly published. Suggest that title be given in the application as it now appears on the title-page and throughout the copies.
4. Waring, Laura W. (No Fee)--Class A. "You Asked for It." This work was originally denied registration upon the ground that the notice of copyright was misplaced, appearing on the fifth page removed from the

title-page. Applicant now informs the Office that only a very few copies were printed and distribution has been limited to members of the family and a few friends. She offers to recall all of the copies so distributed and have the notice stamped in the correct position. Examiner would still reject, apparently feeling that publication has taken place. The Board, however, is of the opinion that distributing copies to members of the family and a few personal friends is doubtful publication and would give the applicant the benefit of the doubt. The applicant should be advised that she may recall the copies, correct the notice as to position, publish (explain) and subsequently apply again for registration.

5. Webster, George O. (257)--Class E. "Jesus My Savior." The question here is one of publication. Applicant submitted printed copies of the hymn bearing notice of copyright. In response to the Office question as to whether these sheets were copies of the best edition, the claimant advises that the song was not printed for sale but for personal distribution to friends. Examiner would again inquire as to the specific number of friends involved as recipients of copies before a definite recommendation as to the proper classification could be made. The Board is of the opinion that since there has been distribution of copies which bore a copyright notice and further since the copies are printed and the claimant is a minister whose circle of friends would be large, that she should suggest the filing of application form E for the work as published. This, it is believed, would be applicant's safest course.

6. American Unitarian Ass'n (3459)--Class E. "Pange Lingua" and "Easter Song." Examiner sustained in holding that the distribution of 350 copies of a musical composition to members of a religious denomination in about 30 churches would constitute a publication sufficient to defeat any attempt at copyright protection, such publication having been effected with a fatally defective notice of copyright, lacking the year date of publication.

7. Wainess, Rose Wandra (E unp. 283446)--"If You Remember." The deposit is a so-called mongrel copy consisting of a printed song to which new lyrics have been added in pen and ink. The notice of copyright refers to the printed song and states that in 1925 the work was copyrighted by M.A. Jiménez and in 1940 the copyright was assigned to Promotora Hispano-Americana de Música, S.A. The present applicant who files upon form E3 claims upon the set of English lyrics she has added in pen and ink. Examiner simply questions the form of claim given in line (1) wherein both the original copyright owner and the assignee appear as joint claimants. The Board, however, would go further into the matter and question the claim in the manuscript English words themselves. As stated the copyright owners given in the application are the consecutive owners of the original published song. However, there is no apparent connection with the author of these lyrics who submits the present application. Inquire as to the facts of the case.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 13, 1942

The Revisory Board convened at 9:30 and adjourned at 9:50. Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Pforzheimer.

Total time consumed, 20 mins.

Unanimous decisions, 3

Held over cases, 2

1. Liedloff, A. G. (No Fee)--Class K. "Blue Earth County Public Health Association." Applicant submits a proof of a print consisting of the superposition of a white cross on a five pointed star circumscribed by a circle. No copyright could issue for a design such as a star or a cross but the superposition of the cross on the star would seem to render the whole sufficiently original to be registrable as a print following publication with notice.
2. Roller, W. W. (No Fee)--Class I. "Chart for Solution of Rectangular Concrete Sections Having Equal Areas of Reinforcement in Compression and Tension." The deposit is a chart consisting of a linear drawing and explanatory text and formulae. The drawing would be registrable as a drawing of a scientific or technical character in unpublished form. This classification would also possibly continue with respect to the chart in published form. Explain, however, the possibilities of registration under the classification of book inasmuch as there is some text matter involved.
3. Doubleday, Doran & Company, Inc. (Deposit Acc't)--Class A. "Frenchman's Creek." The only question before the Board with respect to this application is the particular form to be used. This publication was issued in England originally on September 15, 1941 in book form. The ad interim copyright was subsequently secured but the first American publication initiated in serial form in THE LADIES HOME JOURNAL and is still running. Now within the statutory four month period the work in bound book form is published and applicant applies for registration on form A. The Examiner would require form A6 holding that the original publication in this country in serial form makes that application mandatory. The Board overrules the Examiner in this respect. Inasmuch as the claim to be registered refers essentially to an American edition of an ad interim book, form A is acceptable.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 16, 1942

The Revisory Board convened at 10:00 and adjourned at 10:45. Those present were Mr. MacCarteney, Mrs. Brady and Mr. Lasica.

Total time consumed, 45 mins.
Unanimous decisions, 6

1. Cunningham, James L. (976)--Class A. "Sales Promotion and Direct Mail Advertising Procedure." This application was originally withheld upon a question as to the new matter involved in this new publication and a further question as to the copies deposited representing the work in the form in which it actually reached the public. Applicant now files a new application which seems to be correct in all respects and advises that the copies as deposited in this Office are identical with those the purchasers received with the exception of a few additional revisions of a minor nature which were later made and given the purchasers. Examiner would require two registrations (1) for this revision and (2) for the release with the minor changes and corrections. The Board overrules the Examiner, holding that minor changes do not require a new registration. It directs entry as now applied for and the case closed.
2. Merchandising Factors, Inc. (9336)--Class G. "Strike 'Em Dead; Remember Pearl Harbor"--artistic Design for advertising match book cover and design for matches. This deposit is a drawing of a novelty cover of matches with the matches themselves to represent Japanese soldiers with the title on the cover "Strike 'Em Dead." Examiner sustained in recommending that while registration could be made under the copyright law for the unpublished drawing, the material when published would be subject to design patent rather than copyright. In this respect the Board took note of the Assistant Register's memorandum of February 19, 1941 concerning match covers as commercial prints and/or labels. It did not seem to the Board, however, that the memorandum was applicable to this case in view of the new design of the matches themselves, i.e., the article of manufacture was involved.
3. Lacey & Lacy (8983)--Class A. "Song of the Allied Soldier." Applicant's attorney files an application on form A1 for what is a poem presumably to be sung to the tune of the old Civil War song "We'll Hang Jeff Davis to a Sour Apple Tree." In view of the fact that the lyrics as now submitted apparently differ from the original lyrics only with respect to the consecutive substitution of the names of Hitler and Mussolini for that of Jeff Davis, the Board sustains the Examiner in her recommendation that there is no new matter to justify the granting of a registration. Reject.
4. Standard Tar Products Co. (9315)--Class KK. "Is Your Bankroll Being Sabotaged by Decay?" Held that a notice of copyright which appears upon one side of a commercial print while the claimant's name appears upon the other, the notice being unaccompanied even by the initials, mark or monogram of the

copyright claimant is an insufficient notice and not acceptable. Reject.

5. Archer, C. M. (No Fee)--Class G. "Mein Kampf." This deposit is a crude drawing of the physiognomy of the German Fuehrer in connection with a horse's posterior. Do not raise the question of obscenity. The work is simply vulgar. It will be registrable upon form G2 if applicant so desires.

6. Head, Cloyd (No Fee)--Class ? "World War Time Finder." The deposit is in the nature of a circular disc by the manipulation of which the time in any part of the globe can be determined with reference to the time obtaining where the manipulator is. Applicant originally appeared in person at the Office and was informed by Mrs. Brady that no copyright could be had for the device as such but if the work was published with text matter independent of the operation of the device, such text matter would be registrable. The applicant now applies for registration of the work in published form. There is considerable text under the heading of "Directions" and other text entitled "Notes." The Board is of the opinion that registration could be had for the text matter upon the filing of an application disclaiming any copyright in the device feature. The text matter is incident to the device itself but in view of the quantity and also the arrangement, i.e., compilation of the countries on the disc, it is believed that registration is justified.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 17, 1942

The Revisory Board convened at 10:10 and adjourned at 11:15.
Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Pforzheimer.

Total time consumed, 65 mins.
Unanimous decisions, 11
Divided opinions, 1

1. Stewart, W. G. and D.M. (10345)--Class A. "Carpenter Matched Tool Steel Manual." Held that a notice of copyright is acceptable where the name of the claimant appears upon the same page as the notice itself.
2. Bender, Matthew & Co., Inc. (10279)--Class A. "Administrative Law Reporter-Service Text, Release No. 10, Feb. 9, 1942." The deposit bears a correct 1942 notice in the name of Matthew Bender & Co., Inc. A large part of the deposit consists of a reprint of an article originally appearing in the "Harvard Law Review" in 1941. Each of the looseleaf sheets comprising this reprint bears a notice of copyright as of 1941 in the name of the Harvard Law Review Association. The Examiner would request an explanation. The Board holds, however, that no explanation is necessary. The 1941 notice in the name of the Harvard Law Review Association merely sustains the copyright secured in that year. Enter as applied for.
3. Coyne, Marshall A. (10060)--Classes E and C. "Adventures of Jillo, Jocko and Jumbo: Leaving the Zoo China Bound, In China Land [and] In Russia. [with musical background]." This material is presumably intended for phonograph recording. It consists of versified narration to the background of music. Registration of both the narration and the music has been applied for upon form D4. The Board is of the opinion that since the narration does not partake of the qualities of a dramatic composition but is intended for oral delivery, it, the narration, may be registered as a single lecture or address and the music would also be registrable under Class E. Thus, two registrations are in order. This action would seem to adhere to the procedure followed in the case of slide films accompanied by textual directions. The slide films are registered as photographs and the accompanying texts as lectures. In this case send form E2 and C.
4. Wolf & Wolf (10264)--Class KK. "Christmas 1,2,3, and 4." Similar material to these deposits has been both accepted and rejected in the past--rejected upon the ground that design patent was proper protection inasmuch as the works appeared either to be decorative wrapping paper or decorative paper for box tops, and accepted for the reason that appli-

cant stated publication did take place in the form of the single sheets as deposited in this Office. With respect to the material now deposited, the prints upon the paper bear the statutory notice of copyright and the applicant is the United States Printing & Lithograph Company and applicant's attorney affirms publication in the form deposited. In view of both past acceptance and rejection the Board requests a definitive ruling from the Register of Copyrights for guidance in future cases but of itself recommends entry of the material in Class K. *(Asst. Register approved recommendation with respect to prints & being design patents. See Memo "Prints".)*

5. David, Mike (9832)-- Class G. "Animated Cut Out." Applicant files an application upon a single form I2 with an identifying reproduction consisting of a photograph of four drawings representing eventual cut-out pictures tacked to a board. The Examiner apparently would accept the deposit as coverable in a single registration. The Board, however, holds that there are four separate drawings involved, attached to a board and easily discernible as such. Each drawing would, therefore, be separately registrable upon a separate form G2. Request the filing of four applications.

6. Koltun, Alexander (9114)--Class E. "Basic Studies for Violin and Viola." The deposit is an unpublished collection of violin and viola exercises not registrable as a single work in advance of publication. The Examiner would recommend the filing of form E1 following publication with notice apparently on the ground that he believes the exercises involved are basic ones with variations by the present applicant. The Board would not recommend form E1 following publication with notice but directs inquiry first as to the extent of originality of these exercises. If they are original with the composer, Koltun, application form E would be in order.

7. Wilkinson, Huxley, Byron and Knight (No Fee)--Class G. "Masculine Support; Easy to Launder; No Bind; No Gap Opening; No Buttons." The copies of these works originally deposited have been returned to the claimant following rejection of the applications upon the ground that they constituted advertising novelties not subject matter of copyright. The Board accordingly is unable to express an opinion based upon a visual examination of the copies themselves. Applicant's attorney has filed a brief requesting reconsideration, quoting the Donaldson Lithographing Co. v. Eleinstein case where it was held that advertising matter did not prevent registration under the copyright law. It appears, however, from the statement made by the Examiner that the copies originally deposited were figures clothed in the underwear advertised. Such being the case, the articles as deposited were apparently articles of utility corresponding to manikins which this Office has never accepted for registration. Examiner sustained in her recommendation that the works as presented are not registrable as works of art.

8. Dee Mar, Jack P. (1836)--Class E. "Pearl Harbor." Where the last line of each verse of a copyrighted musical composition has been entirely changed to constitute a new line of verse, a new registration may be had to cover the new material if applicant so desires.

9. Livingston, Callard (No Fee)--Class I. "The Thompson Self Routing System." This matter was before the Board on January 15, 1942 upon a question of

of acceptability of the complete deposit as an I2, there being present a preponderance of text matter as compared with actual line drawing. The unanimous opinion of the Board at that time was that the drawing should be disassociated from the text matter if registration was desired under the classification of a drawing of a technical character. Applicant files a very interesting brief in rebuttal of the Office view, particularly to the effect that by the use of colored symbols appearing in the accompanying charts and explanations, such charts and explanations become so correlated to the line drawing as to constitute an inseparable work. Upon reconsideration, therefore, the Board divides as to the admissibility of the complete copy. Mr. MacCarteney and Mr. Pforzheimer would now accept copy as deposited upon the original application giving the title as "The Thompson Self Routing System (an unpublished drawing of technical character." These members of the Board feel that it would for a court to determine the exact scope of protection afforded by the copyright. Mrs. Brady, constituting the minority opinion, holds that the copy as deposited is not acceptable as an unpublished drawing in view of the large amount of textual material and remitters insistence that the latter forms part of the drawing. Appeal.

See Memo "Technical Drawing"

Registration as Imp. - Approved U. S. Cir. 2-23-42.

10. St. Anthony's Guild (9820)--Class KK. "Revised New Testament." The deposit is an advertising display of a revised new testament published by the Catholic organization known as Confraternity Publications. Application has been filed upon form A1 and the Print and Label Examiner submits the case to the Board as to whether the work has been properly classified or whether it should not be registered as a commercial print. The Board cannot get away from the fact that the work is published in direct connection with the sale and advertising of a book and the purpose of advertisement is to enhance the sale of the book. Adjudging the book to be an article of merchandise, the Board holds that the display would be registrable as a commercial print.

M E M O R A N D U M

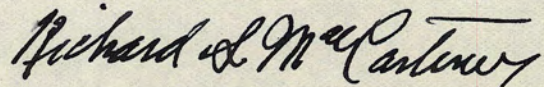
PRINTS

February 19, 1942

Remitter: Wolf & Wolf (10264)

Title: "Christmas 1,2,3 and 4."

The Assistant Register of Copyrights has approved the recommendation of the Revisory Board with respect to the prints submitted by applicant which were questioned as being design patent material. The Board recommended that since the Office has both accepted and rejected this type of material in the past, entries could be made in Class K. The Board requested a definitive ruling from the Register of Copyrights.



Acting Chairman of the Revisory Board

MINORITY MEMORANDUM

February 17, 1942

Remitter: Livingston, Callard (No Fee)

Title: The Thompson Self Routing System.

Question: Is deposit registrable as an unpublished drawing
of a scientific or technical character?

The undersigned is of the opinion that the deposit as presented is an unpublished book. The preponderance of essential explanatory text comprising at least two-thirds of the deposit places it in that category, and publication with notice is necessary to secure the copyright in the work as a whole. This deposit is a sheet of cardboard about eighteen inches in dimension. At the top of this cardboard sheet is the title:

"Thompson's Self Routing System.
Copyright 1941 by Joe H. Thompson."

Immediately underneath this title is found the "Coordinate Route Table I," in close proximity to "Chart II."

"Coordinate Route Table I" is not classifiable as a drawing of a scientific or technical character, consisting as it does of a quadrate figure measuring about five inches and divided into thirty smaller squares by the simple process of drawing at equal intervals five vertical and four horizontal lines. The majority of the squares are lettered in various colors, the colors being explained in a note as a "Key." This table presents none of the characteristics of a scientific drawing, which is admitted in attorney's letter of February 6 as quoted below. Next to the "Coordinate Route Table I" is "Chart II." Chart II is a crayon drawing in several colors, which depicts a sample route map exemplifying the proposed "Self Routing System," and ^{MIGHT}~~may~~ conceivably be a technical drawing, but as presented merely serves as an illustration of the system, which is described in detail in the five paragraphs of text which comprise the whole lower half of the deposit.

In a letter dated February 6, applicant's attorney, Callard Livingston, states:

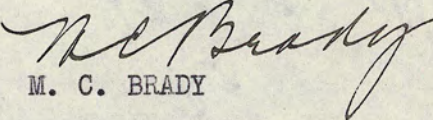
"Recognizing that Route Table I is not registrable except as a book, and then only upon publication, the question remains whether any different situation obtains where Table I and Chart II are submitted and necessarily considered together."

It is the opinion of this member of the Revisory Board that these two items, "Coordinate Route Table I" and "Chart II," taken together, might be registered as a technical drawing because of the element of technical

drawing found in "Chart II" and its immediate connection with Table I but that a large part of the deposit which is entirely explanatory text, beginning with "Route Table IV," could not conceivably be a part of an unpublished technical drawing. Attorney's letter asking for reconsideration in this case cites the principle set forth in the case of Brock v. National Electrical Supply Co.,

"That it is the use to which a drawing is to be put which determines its technical nature."

This seems to the undersigned an unfortunate reference, as there is no possible use to which this drawing could be put except in conjunction with the preponderant explanatory text matter. It appears to the undersigned that the system as explained by the text is merely illustrated by the charts and that the only statutory protection for the deposit as a whole would obtain in publication with notice of copyright and with that form of notice prescribed for books. Therefore, the undersigned is in favor of again rejecting the deposit as presented, and informing the applicant that registration could be made upon the deposit of "Coordinate Route Table I" and "Chart II," without the explanatory text matter, and that copyright in the whole writing would be secured only by its publication with the notice for books as provided by the statute.


M. C. BRADY

Registration as I-unpub. Approved. W. H. Wise, Feb. 23, 1942.

MAJORITY OPINION

Technical drawing including
text.

February 19, 1942

Remitter: Livingston, Callard (No Fee)

Title: "The Thompson Self Routing System."

Question: Whether a line drawing in various colors supported by a chart tabulation of colored symbols relating to the line drawing and an explanation of the line drawing in which colored symbols are used can be accepted for registration as an unpublished technical drawing.

The original opinion of the Board, consisting of the Acting Chairman, Mrs. Brady and Mr. Lasica, was that the work in its entirety would be registrable only as a book following publication with notice. Applicant's attorney files a brief in support of the registration as applied for. Following further consideration, the Board, consisting of the Acting Chairman, Mrs. Brady and Mr. Pforzheimer, divides. The Majority is inclined to accept the attorney's argument that the technical aspect of the inter-relationship or correlation between parts of the chart and the tables resides in the expression of a relationship between certain lines in the drawings with certain symbols in the table. The use of color, it is pointed out, has a definite significance which is meaningless until read in conjunction with the line drawing. The Majority, therefore, would accept the entire deposit for registration since it would be for a court to determine the exact scope of protection afforded by the copyright. No harm would be done by including in the deposit an amount of explanatory text relative to the line drawing, especially if the colored symbols in the text are, as just stated, meaningless until read in connection with the line drawing and are, therefore, in a sense a part of it.

Mrs. Brady adheres to her original opinion that the text must be removed from the deposit before registration can be made for the drawing in Class I2. She supports her contention in a separate memorandum.

Richard S. McCarty
Walter L. Pforzheimer

Registration as I-unpub. Approved. W. H. Wise, Feb. 23, 1942.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 18, 1942

The Revisory Board convened at 10:00 and adjourned at 10:30. Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Lasica.

Total time consumed, 30 mins.
Unanimous decisions, 4
Divided opinions, 1

1. Garlinghouse, Otto G. (9293)--Class A. "Cosmocracy Master Prevue Deluxe. America of Tomorrow." The notice of copyright on this work reads "Copyright 1942 By O'Gates Garlinghouse." The application in line (1) gives the following form "Cosmocracy - Otto G. Garlinghouse, Sole Owner." The Examiner would have an application filed giving the form of claim as "Cosmocracy O'Gates Garlinghouse (Otto G. Garlinghouse) sole owner." The Board is of the opinion that since the title "Cosmocracy" does not appear in the notice of copyright that it be omitted from the claim in the application, leaving it to be expressed simply as "O'Gates Garlinghouse (Otto Garlinghouse)" provided O'Gates Garlinghouse is the pseudonym of Otto G. Garlinghouse, the name in the application.
2. Bernardini, Michele P. (10313)--Class G. "Patriotic & Religious plaque." Photographic copies of the plaque in question have been submitted and the application on form G1 gives the date of publication as February 2, 1942. The only notice appearing on the photographs is the symbol "C" in a circle. The Examiner would reject. The Board overrules the Examiner, however, inasmuch as only photographic copies have been deposited. It directs that a letter be written asking whether copies of the plaque as published bore a complete notice (which is possible since it might appear upon the edge of the plaque). If so two complete copies of the work as published should be submitted.
3. National Schools (82204)--Class A. "Curso de Ingles Practico Lección Numero 1" [and] "Ejercicio Numero 1." This matter was originally before the Board on August 18, 1941 upon a question of publication with insufficient notice of copyright. The notice on the copies deposited lacked the year date of publication. Applicant now informs the Office that a few copies were distributed prior to the time the applications were filed which in turn was before copies were for the second time received bearing complete notices. The Examiner is of the opinion that the work was apparently published with inadequate notice and advises rejection. The Board, however, would first write and inquire how many copies were distributed before the notice was corrected. In other words, how many were "the few" sent out.
4. Winthrop, Kenneth (No Fee)--Class E. "Everything was as it ought to be." This composition has been registered in the Copyright Office and now the applicant wishes to substitute certain changes in the lyrics for the original copyright deposit. This, of course, may not be done. Applicant should be

advised that in the absence of substantial new matter, the original copyright will protect the work. However, if he wishes to make a new registration based upon the changes in lyrics, he may do so by filing an application upon form E3 claiming upon the specific new matter.

5. Oahu Publishing Co. (355)--Class A. "Ever They Sang Hymns," "Circus Blues," "La Estrellita." This matter has twice before been before the Revisory Board specifically with respect to the claim expressed for the new matter in the publication entitled "Circus Blues" and in connection with the adequacy of the copyright notice. The notice for the revised arrangement of several bars of the guitar arrangement includes only the year date of original publication 1930 whereas the present revised arrangement was published in 1941. Upon admissibility of this notice of copyright the Board divides. Mrs. Brady taking the minority holds that there is no notice of copyright for the new matter involved in the 1941 publication. She sustains the Examiner in recommending rejection. Mr. MacCarteney and Mr. Lasica on the other hand would have entry of "Circus Blues" made as applied for. There is a notice of copyright as of 1930 and the only result of antedating the notice is that eleven years of copyright protection has been lost. With respect to applications received for the song entitled "La Estrellita" which differ as to the name of the lithographer, the Board agrees on acceptance of the latest application without further question

*Registered as applied for. - W. B. Wise, Feb. 23, 1942.
See memo "Notice."*

Notice

MINORITY MEMORANDUM

February 18, 1942

Remitter: Oahu Publishing Co. (355)

Title: "Circus Blues - Counter Melody"

Question: When registration in the Copyright Office has been made of a claim to copyright in a musical composition published in 1930 with proper notice as of that year, may a second registration be recorded for the same composition with added matter published in 1941, upon the receipt of copies with notice of the original publication only as follows: "Copyright 1930 by Oahu Publishing Co."?

The notice of copyright on the deposit in question covers the copyright secured by publication in 1930 and recorded in the Copyright Office under No. E pub. 20516. There is no notice for the new matter stated in the application to be bars 3, 4, 11, 12, 31 & 32. Therefore, as the requirements of Section 18 are not met, "that the notice shall include also the year in which the copyright is secured by publication," it appears to the undersigned that no new copyright has been secured, and that therefore a registration for new matter may not be made. A registration, however, might be in order for the insert "Circus Blues (Counter Melody)" which bears a notice, "Copyright 1940 by Oahu Publishing Co.," if such insert was published separately. The question of separate publication should be raised with reference to the "Counter Melody," and an application E-1 enclosed for possible use, advising that the statement of the composer be given as found in the deposit, that is, "Composer F. G. Taylor Jr.; Arranged by the Oahu Staff." This statement would be acceptable as it is presumed that such arrangement was made by employees for hire, and such statement should presumably be used in the records, as it implies authorship as described in the Act.

The usual sale of music for Hawaiian guitar is for the Hawaiian guitar alone. No doubt this arrangement "Circus Blues" first copyrighted in 1930 was for the melody itself. The "Counter Melody" seems to be an additional publication made by reason of demand for a second part.

The Catalogue of Copyright Entries shows a recording of the two arrangements which appear on the back of this "Counter Melody."

M. C. BRADY

Register as applied for. W. H. Wise, February 23, 1942.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 19, 1942

The Revisory Board convened at 10:00 and adjourned at 10:55. Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Pforzheimer, with Mrs. Rafter sitting for one corrective entry.

Total time consumed, 55 mins.
Unanimous decisions, 6

Corrective Entry:

1. National Association of Master Plumbers (No Fee)--Class A. "Washington News Letter No. 2." The recordations of these claims were made in accordance with information furnished by applicant. It now appears, however, that applicant's information was incorrect with respect to true authorship. Examiner sustained in recommending that corrective entries may be made to correct the statement of authorship.

General Business:

1. Sheffler, Ira Lee (7722)--Class J. No title given. [Appears to be fruit of a sycamore tree]. The question at issue here is the acceptability of the copyright notice. The notice reads "Copr. 1942 I.L.S." The surname, Sheffler, appears at the left of the notice under the photograph of the applicant. Held that such a notice is acceptable inasmuch as the courts have held that a surname is sufficient in connection with a notice of copyright. The Examiner is otherwise sustained with respect to the classification (which should be that of a print) and the fact that the copies as deposited are questionable as representative of the work as actually published. They appear to be cut out from some larger sheet.

2. Swan, Lester A. (83022)--Class A. "Tips On Field Hockey." This matter was before the Board on January 5, 1942 upon a question of misplaced notice of copyright. The notice appeared on the fourth page removed from the title page. The Board recommended advising the applicant of the provisions of Section 19, inviting any arguments he may have wished to advance in support of the notice as placed. The applicant in reply makes no argument other than that he believes previous publications have been registered in this Office, which publications bore equally faulty notices. The Board is of the opinion that applicant has made no case and that with the provisions of Section 19 being as specific as they are, that this Office will have no alternative but to reject the application. It so recommends.

3. Lincoln Music Corp. (E 101011)--Class E. "There Aint Any Chorus (To This Song)." This song was published with a notice of copyright in the name of Mercer and Morris together with a notice of copyright assignment to one Jimmy Franklin. The Office made inquiry following which Lincoln Music Corp., the remitter, advises the Office that it is the copyright owner by reason of an assignment from Mercer and Morris to the Lincoln Music Corp. It follows, however, from the notices on the first page of music that publication took place with the notice in the name of one other than that of the true copy-

right proprietor. The notice in the name of Mercer and Morris Inc. refers to an unpublished registration made on November 6, 1941. Examiner sustained in recommending rejection and cancellation.

4. Kunkel, Fritz (Dr.)-(10048)--Class A. "Lectures on the 'We' Psychology." This work, a mimeographed book, bears the statement on the title page to the effect that the notes were made for students who were in attendance at a particular seminar. "It is understood that they are not to be sold or lent to others, except with Dr. Kunkel's permission." The Examiner would question this publication. The Board is of the opinion, however, that the distribution indicated is sufficient to establish publication and that it need not be questioned. The Board observed that the year date in the notice of copyright on the copies had been advanced from 1941 to 1942 by means of pen and ink. The Board accordingly would inquire as to the facts surrounding publication. Were copies of this work issued in 1941? If so, then copies as originally published should be deposited with an appropriate application.

5. Hickey, Edward Joseph (82808)--Class A. "Win \$1,000 U.S. Savings Bond for a Dime U.S. Savings Stamp." This matter was previously before the Board on January 16, 1942 at which time the Board recommended that the matter be referred to the Senior Attorney for a letter of inquiry to the Post Office Department as to the work in question being acceptable for transit in the mails. The Assistant Register wrote the letter, not to the Post Office Department but to the applicant with the suggestions that the applicant communicate with the Post Office Department to be certain that this plan or scheme did not violate some postal law or regulation. Applicant now files two new copies of the work with no indication as to whether or not he has communicated with the department as suggested. The Examiner would request a definite statement before acting upon the application. The Board is of the opinion, however, that the work so obviously represents a lottery that the application should be rejected without further ado.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 20, 1942

The Revisory Board convened at 10:00 and adjourned at 10:45. Those present were Mr. MacCarteney, Mrs. Brady and Mr. Lasica.

Total time consumed, 45 mins.
Unanimous decisions, 5
Divided opinions, 1

1. American Polish National Council. (11017)--Class F. "Geo-Political Map of Poland." This matter was previously before the Board on January 16, 1942 at which time the Board divided upon the acceptability of the copyright notice, the notice being separated from the assumed name of the claimant by a scroll. The Assistant Register decided that the notice was acceptable. The Examiner now reopens the matter again questioning the notice, apparently thinking that the decision of the Assistant Register was based upon the supposition that another name nearer the notice was the person claiming copyright. This is not so. The decision was made with respect to the avowed name of the copyright claimant. Enter as applied for.
2. Walker, Thomas J. (11294)--Class A. "Another War." The copyright notice at the bottom of this poem reads: "Copyright applied for." Directly above is a dedicatory statement which includes the date, February 12, 1942 on which the dedication was made. Immediately above this appears the name of Thomas J. Walker, the author and copyright claimant. Held that since all of the elements of the notice are in close juxtaposition accept for registration but write warning letter.
3. Brown, Stephen C. (2187)--Class A. "Minor Poems." The affidavit of manufacture at the top of the form gives The Cornelius Printing Company as the affiant. It is signed by A. F. Workman, Vice President. The Examiner holds that such an affidavit is faulty in that the name of the company appears at the top as the affiant. The Board understands that Mr. Smith, the office notary and Senior Attorney, considers such an affidavit acceptable since an individual signs for the company. The Board accordingly directs acceptance.
4. Ott, George S. (10985)--Class E. "I'll Tell The World, I'm In Love With You." This application bears the statement after the title "Arrangement by Harold Potter." Line (3) of the application, however, gives "Harold Potter, employee for hire of George S. Ott." The manuscript bears the statement "Music by Harold Potter." Since it appears that Harold Potter is simply the arranger for hire in this case, request a new application giving "George S. Ott, employer for hire of Harold Potter" if that is in effect the case. Return also the copy to be amended, showing George S. Ott as composer.

5. Norton Co. (Deposit Acc't)--Class A. "Lecture Course on Grinding-- Abrasives, Machines (Fifth and Sixth Editions)." This work originally appeared in 1936 and was copyrighted, the claim being registered. Subsequently the Fifth and Sixth Editions appeared in 1940 and 1941. Although the material is basically the same there have been minor changes made and the notices of copyright of these editions respectively read: "Copyright 1940 by Norton Company;" "Copyright 1941 by Norton Company." The Examiner would inquire as to the sufficiency of the changes to justify new registrations and would point out that if they are insufficient the original copyright has been forfeited through republication with advance year dates. The Board is of the opinion that in the absence of some special circumstances the Office should not go into the question ~~of~~ as to whether the changes made were insufficient to support a new claim of copyright and thereby advise that the original copyright had been forfeited. The Board directs acceptance of the statement of "minor changes" and suggests that the applications be filed on form A2, claiming on "Changes and revisions."

6. Walton & Wright (4178)--Class A. "A Boy and his King." This book was printed with a notice of copyright in the name of Suttonhouse Publishers and the author's pseudonym, Adrienne Stone. The application was in the name of Edith Stone Tomlinson of which Adrienne Stone is the pseudonym. It transpires that Suttonhouse Publishers are now bankrupt and applicant has filed copies which have a slip of paper pasted over the name of Suttonhouse Publishers in the notice of copyright. The application and the notice of copyright agree in giving Adrienne Stone as the sole claimant. The Board divides upon the question of whether the copies deposited are acceptable as representing the work as first published. Mr. Lasica and Mrs. Brady would inquire whether publication took place with one or both names in the notice. Mr. MacCartaney on the other hand, is of the opinion that since the copies and application as now presented at the Office ^{are} in agreement, entry should be made as applied for. To go into the question of who is the trustee in bankruptcy for the defunct Suttonhouse Publishers would open a question of substantive rights all of which is not within the province of the Copyright Office. Appeal.

*Enter a special for W. U. Wine, Feb. 23, 1942.
See memo "Prediction".*

Publication

February 20, 1942

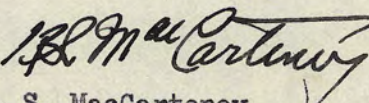
Remitter: Walton & Wright (4178)

Title: "A Boy and His King."

Question: Where it is possible but not at all certain that publication of a book originally took place with a joint notice of copyright but the copies as presented to the Office show only one name in the notice, the other having been pasted out, and this notice is in agreement with the application, has the Office the duty to establish the correctness of the copies as filed.

This book was originally printed by Suttonhouse Publishers, Los Angeles, who are now bankrupt, with a notice of copyright in the name of the publishers and the author jointly. As presented for registration the copies bear notice of copyright from which the name of Suttonhouse Publishers has been obliterated by pasting a slip of paper over the name. The Office made inquiry and in response we are advised by Walton and Wright Granada Press that they have taken over the marketing of the book at the request of the author. The notice of copyright and the name of the copyright owner in the application are in agreement.

It is the Majority opinion of the Board that the Office should inquire further whether publication took place with one or both names in the notice. The Minority opinion is that upon the face of it the claim is in order and it is not for this Office to go into questions of substantive right, which questions would arise if it were established that publication of the book was actually first effected before Suttonhouse Publishers went into bankruptcy. It would then be necessary to ascertain who was the trustee in bankruptcy. The result might even be that no claim could be registered, thus depriving the author of protection under the Statute. As a matter of fact, upon further study of the correspondence, the undersigned finds that the Office asked in its letter of January 30 "as to the manner in which this volume was first published and if first publication actually took place in the form deposited." If so, the Office requested that new application form A1 be filed, giving the full legal name of the copyright owner. The very fact that the new publishers have complied with this suggestion, implies that publication did first take place in the form now deposited and this would justify the Office's acceptance of the application as now presented.


R. S. MacCarteney

Minority sustained. Enter as now applied for. W. H. Wise, Feb. 23, 1942.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 23, 1942

The Revisory Board convened at 10:00 and adjourned at 11:10. Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Pforzheimer with Mrs. Rafter sitting as a voting member in the case of two corrective entries.

Total time consumed, 70 mins.
Unanimous decisions, 13

Corrective Entries:

1. Wonn, Lucille (Mrs.) - (11892)--Class E. "Goddess of Liberty." The new material for which registration is desired in this case consists of some four bars of music at the end of the song and a change in words. Examiner sustained in his recommendation that a corrective entry is permissible.
2. Kappler, Carl F. (E pub. 101363)--Class E. "It's Nice to Be in Love." Registration was made for this song as a published work upon receipt of professional copies and an application giving a date of publication. It subsequently transpires that the copies submitted were the only two printed ones in existence. Applicant now has a published edition which he wishes to register. Upon ^{such} a statement it would seem that a corrective entry giving the correct date of publication should be made.

General Business:

1. Miller, W. St. J. (4479)--Class ? "Sculptured Singing Boys' Heads." Applicant submitted a photograph of a group of sculptured or modeled choir boys with the background of an organ, the whole artistically arranged. The Office questioned the deposit as a single work of art inasmuch as the figures appeared to be mannequins and suggested registration for the photograph as such. Applicant's attorney requests reconsideration upon the ground that the "heads are both sculptured and modeled." It is his belief that the copyright for the photograph alone would give insufficient protection. Examiner would again reject the material as ^{not} constituting a work of art. In view of the description "Sculptured Singing Boys' Heads" given in the application the Board directs that a letter should first be written inquiring as to the purpose and use of the group and a clarification of the basis of claim set forth.
2. Peterson, Clarence Stewart (10556)--Class K. "48 State Capitols." The only question here is one of classification. Voluminous correspondence has been entered into without ever the question of a change in classification from J1 to K being suggested. Examiner would now raise the question, requiring applicant to file an application on form K. The Board is in agreement with the Examiner in so far as publication in the form deposited seems questionable. The work, however, seems to the Board to be a published composite photograph reproduced by a photographic process, and the Board accordingly is of the belief that the classification should not be questioned.

3. Bowman, A. B. (11460)--Class I-1. "Projector." The work deposited is a plastic, transparent projector and is so described in the application filed upon form I-1. The Examiner would accept the work as copyrightable following the correction of minor informalities in the claim. To the Board the work is obviously a tool or instrument for use in itself and accordingly should be rejected under Rule 12 (g) of the Rules and Regulations for the Registration of Claims to Copyright.
4. Hodes -Daniel Co., I. c. (11717)--Class A. "Prepare for the Tax and Easter Bill Parade." This workⁿ is a pictorial envelope with inserts advertising a money loan service. The notice on the envelope which uses the copyright symbol is acceptable for registration of the print appearing thereon. Inquire as to notices of copyright on each of the inserts in the name of FCA Service which is not the claimant in the application or in the notice on the envelope. They (the inserts) would not be covered by the registration of the print.
5. Dreckman, Harold A. (11192)--Class K. "Keep 'Em Sailing." This application was originally rejected upon the ground that the claimant's full name does not appear in the notice of copyright, the notice reading "Copyright 1941 G.C.M. Co. Long Beach, Calif." We are now advised by applicant's attorney that G.C.M. Co. of Long Beach, Calif. is the claimant's tradename. Examiner would reject. The Board overrules the Examiner and directs that a new application be filed, giving the names of the copyright owners followed by "d.b.a. G.M.C. Co." Applicant's attorney states that they are operating under this name. Inquire as to apparent ink change in the notice of copyright.
6. Emmanuel Missionary College (11218)--Class A. "Cumulative Subject Index to Reader's Digest. From Jan. 1935 to Dec. 1941." This deposit is a cumulative service index to the "Reader's Digest" covering the period from Jan. 1935 to Dec. 1941. According to the information furnished the index "is never sold except as bound with the volumes of the READER'S DIGEST." Request copies of bound publication of which this supplement forms a part. Return application for additional statement in line (6) "in [--] Vol. of Reader's Digest."
7. David, Mike (9832)--Class G. "Animated Cut Out Circus." The Examiner questioned the Revisory Board's original finding that the photograph of the work in question deposited, represented an identifying reproduction of four separate drawings tacked to a board and which properly would be the subject of a separate copyright, requiring a separate registration. The Board affirms its original finding that four registrations are in order based upon the photograph of what are four separate drawings on four separate sheets.
8. Chemical Publishing Co., Inc. (80552)--Class A. "Dictionary of Radio and Television Terms." The ad interim copy of this work was received not in the Copyright Office but in the Accessions Division on January 5, 1942 well within the sixty day period of publication, in England, which date was December 10, 1941. The copy was not turned over to the Copyright Office, however, until February 21, 1942, which is beyond the statutory limit. Examiner sustained in her recommendation that the date of receipt in the Library of Congress should be the controlling date. The Copyright Office is a branch of the Library of Congress and it would seem that deposit in the Library within the

the statutory period would constitute sufficient compliance with the provisions of Section 21.

9. Burkitt, Henry L. (W.R. 40108)--Class A. "Your Own Patriotic 1c Seals." This deposit is a book of stamps with no text matter. The notice of copyright is affixed to the back of the cardboard cover and does not appear upon the reproduction of the stamp itself. Applicant's attorney protests the rejection of this application upon the ground that the work is a book and that there are original designs in that book. The Board sustains the Examiner in again rejecting the work on the basis of the decision in the DeJonge v. Breuker case wherein the Supreme Court held that it was essential that the notice of copyright should be repeated on every reproduction of a published work for which copyright is claimed.

10. Bernard Picture Co., Inc. (5682)--Class K. "Landscape Nos. 1 and 2," "Vase and Flowers Nos. 1 and 2," "Flowers Nos. 1 and 2," "Still Life Nos. 1 and 2," "Figures Nos. 1 and 2." This matter was previously before the Board on January 30, 1942 upon a question of the copyright notice. There were two notices on the prints deposited, one on the face of the prints in the name of "Michel" and the other on the back in the name of Bernard Picture Co., Inc. Applicant attests that with the exception of the copies sent to this Office all of the pictures bore the correct notice of copyright in the name of B. P (C). The Examiner would request a further explanation. The Board deems this unnecessary and directs that new copies of the prints bearing the correct notice of copyright as affirmed in applicant's letter of February 6 be deposited.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 25, 1942

The Revisory Board convened at 10:00 and adjourned at 10:55. Those present were: Mr. MacCarteney, Mrs. Brady and Mr. Lasica.

Total time consumed, 55 mins.
Unanimous decisions, 10
Deferred decision, 1

1. Sigma Nu Fraternity (9806)--Class E. "A Rose and a Star." This matter was before the Board on January 29 upon a question of publication without notice of copyright. Certain copies of the work were distributed to the members of the fraternity at a lodge meeting. The Office inquired whether control of these copies was lost or if copies were recalled at the end of the meeting and subsequently the notice added. Applicant merely files a new application giving a later date of publication. Examiner sustained in her recommendation that a specific answer to the Office question as to the disposal of the copies without notice of copyright be required.
2. Rebold, Rudolph (8322)--Class I. "Illustrated Triangular Bandage." The deposit is a triangular sheet of paper representing the usual so-called "triangular bandage." Drawings showing the technique surrounding the correct appliance of the bandage to injuries appear upon the sheet. Examiner sustained in her decision that an I2 application would be acceptable but one would have to be filed omitting reference to the work as a "textile design." The application must describe the deposit simply as a "drawing."
3. Gray Printing Company (W.R.37671)--Class A. "Replacement Parts Catalogue." This matter was before the Board on January 5 upon a question of acceptability of the notice of copyright. The notice appears on the fifth page following the outside cover which serves as the title page in the absence of a formal title page. The only argument that the applicant can offer in support of registration as applied for is that the notice "is not only easily seen but seems to fall in a logical place as far as sequence of the book is concerned." In view of specific provisions of Section 19 that the notice in the case of a book must appear either upon the title page or page immediately following the Board is of the opinion that this application must be rejected. See J. A. Richards, Inc. v. New York Post, Inc., 38 USPQ 475 wherein Judge Patterson stated "by explicit provision of the Statute the place for copyright notice in the case of a book or printed pamphlets is on the title page or page immediately following. It follows that a notice on any other page no matter how prominent is ineffective."
4. Lum, Maryette H. (6727)--Class A. "Songs of Chinese Children." This matter was before the Board on February 6, 1942 upon a question as to whether the copies deposited bearing an amended copyright notice in the name of the author were

representative of those as actually first published in the United States. Applicant affirms the copies deposited are representative of the United States edition, there having been a previous publication limited to China of copies of the work printed in China. It is not clear, however, whether the copies of the American edition now on deposit were first published with the notice of copyright having the name of Suttonhouse Publishers, Inc. obliterated by means of a pasted slip of paper. Examiner sustained in recommending that the filing of an assignment from Suttonhouse (now defunct) is preferable but that registration may be made upon receipt of a new application A1 and deposit of copies as first published without the amended copyright notice provided such publication actually took place.

5. Whelan, Howard J. (9876)--Class A. "Adventures of Skull John." The Examiner would reject this work upon the ground that two of the typewritten copies deposited bear an advance year date in the notice of copyright. Incidentally, the fact of publication has been established and is not questioned by the Examiner. The Board overrules the recommendation for rejection for the reason that applicant's attorney expressly states in his letter of February 9, 1942 that "this error was corrected before public use and all copies destroyed except the two copies sent you and the one copy which I have in my file." Accept for registration upon the basis of this statement.
6. Johnsen, Magnus (11895)--Class E. "Marching to Victory." The deposit has a pictorial cover on which a notice of copyright reading "Copyright 1942, Words and Music by Magnus Johnsen" appears. Examiner would reject, stating that there is no notice of copyright on the first page of music. The Board overrules the Examiner in holding that the notice on the pictorial cover which is the title page is acceptable as applying to the entire publication. Enter as applied for.
7. Carter, Zalmonah Willis (11808)--Class D. "Ship of My Dreams" and other poems (manuscript book of poems); "Poetry Marathon" in PLAY A DAY series (a drama). The deposit consists of a manuscript book of poems and an accompanying dramatic sketch specifically intended as a vehicle for the recitation of the poems. The script, nevertheless, is in dramatic form and is characterized by action and spirit of the drama. Examiner sustained in rejecting the manuscript book of poems as an integral part of the play. Examiner overruled with respect to the dramatic script. This would seem registrable upon receipt of an application on form D2. Return the manuscript poems.
8. Dobrovolsky, Doris M. (11444)--Class E. "Fight on Americans." This application gives the citizenship of the composer as "Yugoslavia (Serbia)." Examiner would ask which is correct. The Board, however, directs that the citizenship be recorded as Yugoslavia. Serbia is simply a territorial division of the larger country.
9. Morton, Robert A. (11558)--Class D. "A Flash to the Setting Sun." Examiner sustained in her finding that the script deposited is not a dramatic composition within the copyright meaning of that term. It might be registrable as a book after publication with notice.
10. California, University of Press. (10933)--Class A. "Philosopher Pickett." The title of this book is "Philosopher Pickett--The life story of the eccentric

pamphleteer who became the West's first political reformer" by Lawrence Clark Powell. Examiner overruled in recommending that since the book contains some letters written by Charles Edward Pickett which letters have not been published, that he be given joint authorship in this publication. Accept the application attributing authorship to the author of this book, i.e., Lawrence Clark Powell.

11. Sicuro, Ida P. (11827)--Class E. "United States Defense Bonds for Freedom" and "Our Home." The deposit is a four page folder which opens out into a single sheet. On pages 2, 3 and 4 appear full notices of copyright. Page 1 lacks the notice of copyright. Examiner would reject upon the ground that the notice of copyright does not appear upon the title page or first page of music. Since, however, the deposit opens out into a single sheet it is believed by the majority of the Board that the notice of copyright is acceptable and that registration should be made. Mrs. Brady elects not to vote pending further study.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 26, 1942

The Revisory Board convened at 10:00 and adjourned at 10:40. Those present were Mr. MacCarteney, Mrs. Brady and Mr. Pforzheimer.

Total time consumed, 40 mins.
Unanimous decisions, 8

1. Burton, Carl W. (8962)--Class E. "The Boys at Corregidor." Examiner would question the music of this song as having been taken from an old melody. The Board would not raise the question of originality of the music since it is reminiscent of a dozen different airs. The Examiner's further recommendation to request the deposit of the stated additional verses is sustained.
2. Miller, Hubert E. (9248)--Class A. "Check-O-Letter." Held that the addition of the words "Rules of" to the title of a game is acceptable as expressing that the claim is limited to the rules alone.
3. Martin, Thomas & Sons, Inc. (No Fee)--Class K. "This Envelope contains an album of Defense Savings Stamps" etc. This work is a pictorial envelope intended to hold an album of Defense Savings Stamps. It bears notice of copyright acceptable for a print in that a symbol "C" in a circle is used instead of the word "Copyright" or abbreviation "Copr." The Examiner states that the work is not registrable as a book due to this form of notice. To the Board, however, the work is essentially a print and bears a correct notice for this classification. The Board directs registration in Class K upon receipt of an application. No mention is to be made of the possible classification of "book."
4. Griffin, Estelle Geraldine (12157)--Class A. "Gods and Goddesses in Embryo." Among other informalities there is a question as to whether registration should be applied for on form A1 or A2. The book to be registered bears a statement "Enlarged Second Edition" beneath the copyright notice. Examiner recommends form A2. Applicant's letter of January 21, 1942, however, states that no copies of the "First Edition" were published. The "Enlarged Second Edition" is, therefore, the first published edition and would take form A1. The Examiner should revise her recommendation accordingly.
5. Schwartz, Edward P. (No Fee)--Class K. "Keep 'Em Runnin'." This Office originally received a sample copy of the illustration in question in the form of a postcard. The sample did not bear notice of copyright and applicant was advised that if publication had taken place without notice of copyright, the copyright had been forfeited. Applicant then filed a copy of a periodical in which the print appeared, this time bearing correct notice of copyright. In his accompanying letter, he stated that "Immediately after the magazine was published we ran several thousand postcards." Examiner would simply request an application on form A5. The Board, however, directs that a letter first

be written inquiring whether the postcard which does not bear notice of copyright has been published. If so it would seem that the copyright has been forfeited irrespective of the original publication of the work with a notice in the periodical.

6. Empire Amusement Co. (11730)--Class L. "The Intruder." Applicant filed an application on form L-1 classifying the work as a published motion picture photograph. Actually, however, the material deposited is an amateur's shooting script registrable as a published dramatic composition. There is apparently no intent here to copyright a motion picture film. Request an application on form D1 and explain the requirements for registration as a motion picture.

7. Richmond, K. C. (12054)--Class A. "Boiler Heating Guide" (2 others). The notice of copyright on these publications are in the name of "Coal-Heat Magazine." The applications give the name of the copyright owner variously as "Coal-Heat (Magazine) Arthur M. Hull, Publisher," "Arthur M. Hull, Publisher Coal-Heat (Magazine)" and "Coal-Heat (Magazine) Arthur M. Hull, publisher." Examiner would inquire as to the legal name of the claimant. In the view of the Board the precise ownership had definitely been stated by the applicant himself and accordingly the Board directs entry as applied for.

8. Cowgill, Frank Brooks (12462)--Class A. "Lincoln Regnant." This poem has been printed upon a single sheet of paper which has been folded four times and attached to an outside cover. The folder can be opened out to a single sheet. When folded, however, the notice of copyright appears on the back. Held that such a notice is defective notwithstanding the work can be opened out to a single sheet for the reason that it is attached to an outside cover constituting more than one page.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
February 27, 1942

The Revisory Board convened at 10:05 and adjourned at 10:40. Those present were Mr. MacCarteney, Mrs. Brady and Mr. Lasica.

Total time consumed, 35 mins.
Unanimous decisions, 5

1. Tomachefsky, Odis (8650)--Class G. "[Patriotic Pictorial Illustration] 'In Service, Remember Pearl Harbor:-Army, Navy, Coast Guard and Marines'." These deposits consist of four identical patriotic designs with the exception of different service insignia at the bottoms thereof. One design has the army insignia, another the navy insignia, etc. The Office primarily questioned publication since the designs were hand water-colored. Applicant writes affirming publication, stating that the works were placed on sale in the same form as deposited in this Office. Examiner sustained in requesting four separate registrations since each of the designs constituted a separate publication.
2. Sigma Nu Fraternity (9806)--Class E. "A Rose and a Star." This matter was before the Board on February 25 at which time the Board voted to inquire again as to publication in the absence of a specific statement that no copies of the work had been distributed without the proper notice of copyright. Upon reconsideration, however, it is observed that in our letter of February 5, 1942 we stated that if copies of the song had been recalled after the "trial singing" applicant could proceed to publish with proper notice of copyright and subsequently register. A new application was filed in answer to this letter, giving a later date of publication. The Board now votes to accept and register upon the only possible implication that bona fide publication was not effected until the notice was corrected.
3. Vick, Oran J. Mrs. (No Fee)--Class A. "Victory V." Applicant submits a copy of her poem as published in a newspaper THE WEEKLY DISPATCH of San Antonio, Texas. She advises that after the poem has been set to music the complete work is to be copyrighted. Examiner recommends that after the words have been set to music, registration could properly be applied for. She overlooks the fact, however, that the poem as published in the newspaper did not bear a notice of copyright and is, therefore, in the public domain. The Board directs that a letter be written advising that while copyright can be had for the musical composition, the words would not seem to be protected thereby.
4. Time, Inc. (11931)--Class A. "Boy! Have We Been Going Places!" The deposit is a pictorial sheet advertising space sold by TIME and LIFE magazines. The material was referred to the Print and Label Section for classification upon the possibility that it might be the magazines that were being advertised and magazines would constitute articles of merchandise. The Board upholds the Print and Label Examiner in his finding that the material is not KK, print matter. It does not advertise a periodical but is addressed to space buyers

with the intention of informing them how "Time" advertisements would push the sale of their wares. Hence the work pertains to the sale of advertising space, not articles of merchandise. Accept classification A1 and enter as applied for.

5. Plymat, William N. (12903)--Class A and G. "Sailor," "Marine," "Army Officer" and "Selectee." The deposits consist of several small statuettes representing a soldier, sailor and marine. To the Statuettes are attached tags advertising Lull Creations of which the statuettes are examples. With respect to the tag refer to Print and Label Examiner for possible classification in that category. The notice of copyright reading "Copyright 1942" is acceptable since the name of the business, Lull, appears directly above and on the other side of the tag is the full name Lull Creations. With respect to the pasted notice on the statuettes, inquire whether notice was applied to all copies. The position of the notice on the bottom of the article is acceptable since it is definitely on the copies, there being no separate pedestal apart from the statuette itself.