

MEMORANDUM

April 1, 1941

Remitter: Goldsmith Brothers (221,60)--Class A.

Title: "Executive Blotter Book"

Question: Is a blotter book with a single page of instruction in the same category as a book of blank forms with a single page of instruction?

The work submitted is a book of the following dimensions: 11 1/2" x 10 5/4". On the back of the title-page is a full page of text giving instruction as to the use of the book. At the end of this appears the copyright notice. The book itself consists of a number of blotters, each with three holes to facilitate the turning of the page. Between the pages it is the purpose to place letters for the busy executive's signature.

Mr. Eise and Mr. MacCartney take the position that this work is in the same category as a book of blank forms or a book of bookkeeping forms. In such cases where there is a page of instructions or directions at the beginning of the book the procedure is to make registration for such text matter (without any limitation of claim). The only difference between the two cases is that in the one under consideration sheets of blotting paper are substituted for the sheets of ruled forms.

Mr. Smith takes the position that this work is in the nature of a device and should be rejected, and attaches hereto a memorandum in support of his position.

Respectfully submitted,

Chairman, Revisory Board

Reject blotter book as a whole as an article of utility. If applicant will deposit sheet of text matter separate from work as a whole an examination looking to registration will be made--order of Col. Bouvé.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 1, 1941

The Revisory Board met 10:00 A.M. and adjourned at 11:10 A.M.
Those present were: Mr. Wise, Mr. Smith, and Mr. MacCarteney.

Total time consumed 70 mins.
Unanimous decisions 4
Divided opinions 1

1. Chritton, Wiles, Davies and Hirschl (18474)--Class G. "Vanishing American Landmarks, Etchings of Lammers..." Register each folder as a work of art. Request separate G1 applications for the three separate folders. Do not suggest A1 registration for the text which bears a notice of copyright with year date changed by means of pen and ink. The notices on the etchings themselves give a 1941 year date.
Also on MP-728
2. Munn, Anderson and Liddy (Deposit)--Class ? "There'll Always Be an England and a U.S.A." Examiner sustained. Reject. Insufficient original material to support a copyright claim.
3. Otis Elevator Co. (73524)--Class KK. "Supplement C-627-Thrust Bearings (September 1, 1940)." Classification KK applicable. Illustrated leaflets of parts of Otis Elevators.
4. Childs, Elizabeth H. (W.R.37105)--Class ? (Fee for Conscience Fund). Search made and nothing found for which fee might have been sent. Write. *First on MP-720.*
5. Goldsmith Brothers (22460)--Class A. "Executive Blotter Book." Division of opinion as to whether work is an article of utility. Appeal.
*Reject book as a whole as an article of utility. Suggest registration of page of text if only that page is deposited.
(See "DEVICE" and/or "BLOTTER BOOK")*

MEMORANDUM

April 1, 1941

Remitter: Harry Andrew Gallagher, Jr. (95671)--Class G.

Title: "Eastman and Violet"

Question: Is the deposit an unpublished drawing?

The deposit consists of two pieces of cardboard upon each of which appear two frames of cartoon matter. The four frames when properly arranged relate a comic story of a pair of nitwits in a department store. The story is only properly understood by the addition to the pictorial matter of substantial text matter, both conversational and descriptive.

Mr. Wise and Mr. MacCartney are of the opinion that this complete work can be considered an unpublished drawing so that registration of the copyright claim can be made by the use of application form 92.

Mr. Smith is of the opinion that the work cannot be considered an unpublished drawing because it is made up of a combination of a number of separate drawings, each contained in their own frame in addition to the text matter essential to a proper understanding and appreciation of these drawings. It is the opinion, therefore, of Mr. Smith that works of this nature should be properly classified as unpublished books and the applicant informed that until after actual publication with the copyright notice he should rely on his common law protection. The present case might be considered analogous to an unpublished map which in some years gone by might have been registered either in Class I as a technical drawing or in class G as a work of art, according to the technical or artistic character of the work. Today a map regardless of whether it contains technical features or some artistic, pictorial, etc., matter which lends to the character of the map, must first be published with the copyright notice before registration of a copyright claim can be made. In other words, there is no registration of a copyright claim possible to the unpublished work for the purpose of protecting those portions of the map which might be considered technical, scientific, or artistic. So in the present case when the comic strip is actually published this Office will require that registration be made for it under class A because the work as a whole must be considered as a book, for the text forms such an integral part of the drawing that it cannot be divorced from it without destroying the author's true expression of his ideas in writing.

Respectfully submitted,

Continue practice of registering as unpublished drawings comic strips telling a continuous story in several frames.--order of
Col. Bouvé.

Number, Revisory Card

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 2, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 10:40 A.M.
Those present were: Mr. Smith, Mrs. Brady, and Mr. MacCarteney.

Total time consumed 40 mins.
Unanimous decisions 4

1. Krueger, W. A., Co. (43363)--Class A. "The Story of the Snow Cruiser" and "Report on Street Traffic Survey of Cudahy, Wisconsin, as Vol. 1." Office has written three times, last time by registered mail, requesting complete applications and an explanation of the variance in authorship in the case of the first work.
2. Robbins Music Corp. (W.R.37147)--Class E. "Barba Azul." For registration of a published work, it must first be published with the copyright notice. If applicant wishes to rely on Section 3 of the Pan-American Convention without conforming with the provisions of the United States Copyright Act with respect to the registration of the work here, it is possible that he may be protected here under the Convention, provided, of course, he has conformed with the provisions of the Convention.
3. Taylor, Margaret (No Fee)--Class G. "L'Drezuela's Ballet." Examiner sustained. Registration may be made for each of the figures upon the deposit of a photograph of each with application on G2 and the fee. Point out that if and when the figures are reproduced in copies for sale they should bear the copyright notice, and another registration made in each case.
4. Abbott, D. E. and Co., Inc. (No Fee)--Class G. "Liberty." Work deposited is a drawing of a picture frame. Registration may be made as an unpublished drawing but if and when the work is published protection should be sought by means of a design patent.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 3, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 10:30 A.M.
Those present were: Mr. Wise, Mr. Smith, and Mrs. Brady.

Total time consumed 30 mins.
Unanimous decisions 8

1. Dutton, Norman R. (70540)--Class KK. "Goldcraft Clothes." Work consists of a name in red letters woven into tan cloth. Reject. Insufficient copyrightable material to support a copyright claim as a label. Refer to Register of Copyrights for final decision. (SEE "LABEL" in Cloth) ✓
2. Curwen, J. and Sons, Ltd. (22822)--Class E. "Allegro" and one other. New editions contain as new matter "transcription and editing." The transcription and editing of music is not sufficient basis for a new registration. Reject.
3. Abboud, Michael Bin (24400)--Class H. "In Gethsemane." Examiner sustained. Request form H for a photographic reproduction of a work of art. Inquire whether all copies published bore handwritten notice of copyright.
4. Modern Translation Co. (23294)--Class A. "Dumaia" and one other. Examiner sustained with respect to "Agnes Bernauer". Request D1 application for published dramatic composition. Reject "Dumaia". Name of copyright owner does not appear in the notice.
5. Press, F. B. (24239)--Class E. "More Souls for You Jesus." Do not question publication since copies filed are printed. Register upon receipt of application giving title.
6. Walsh, Elmer F. (23971)--Class G. "Rookies Cookies from--to--, The Barracks Treat." Write that titles, names, etc., are not copyrightable. Do not suggest G2 registration for the drawing of the box.
7. Shannon, R. B. and Burch, J. C. (16574)--Class J? "Special Suzi-Q Burger, Served in Basket, etc." Reject as unpublished work of art. Insufficient artistic matter (work consists of a billboard with a crude drawing of a Suzi-Q Burger in one corner, the balance being taken up with the title, price, etc.). Point out that titles and ideas are not copyrightable.
8. Schoneman-Hening Agency (63395)--Class KK. "The Original 'No RUNette.'" Display unit shown in photograph is not believed to be a "print or label" since it consists of more than a "single sheet". Considered by Board Mar 12, 1941 but not recorded on minutes.

MEMORANDUM

April 3, 1942

Remitter: Harry Andrew Gallagher, Jr. (59671)--Class G.

Title: "Eastman and Violet"

Question: Number of registrations required for an unpublished drawing of a cartoon strip.

The correspondence in this case leaves some doubt as to which of the several drawings submitted the author wishes to register. However, the number of registrations required must be determined before conducting further correspondence.

The practice has existed for some time to make one registration as an unpublished drawing for a cartoon strip including 2, 3, 4, 5, or 6 frames where each with its independent drawing in relation to each other forms a unit and constitutes one work.

In the opinion of Mr. Wise and Mr. MacCartoney the rule should be followed in this case and one registration as an unpublished drawing made for each drawing unit as submitted, whether it consists of two or four frames. This position is based not only upon what is believed to be the established practice of the Office but also upon the fact that one work is presented--the several frames constituting a unit drawing.

Mr. Smith takes the position that a separate registration should be made for each frame and attaches hereto his memorandum.

Respectfully submitted,

Chairman, Revisionary Board

Continue practice of registering as unpublished drawings comic strips telling a continuous story in several frames.--
order of Col. Bouvé

SUBJECT

MEMORANDUM

April 3, 1942

Remitter: Norman R. Dutton (70540)--Class EE?

Title: "Goldcraft Clothes"

Problem: Registration of label consisting of a word or words woven into cloth or other material.

It has been the established procedure in the Copyright Office to reject applications for commercial labels accompanied by copies which bear no decorative element other than the coloring of the letters of a word or slogan. The Office has now been submitted an application for registration of "Goldcraft Clothes." These words are placed upon a small piece of cloth of the following dimensions: $7/8" \times 2"$ and have been woven into the goods. In support of the application which was originally rejected on November 12th, the applicant cites registrations made in the Patent Office for similar material. The only new aspect presented by this case is whether the position of the Office--rejecting labels consisting only of a word or slogan--should be modified where the word or slogan which comprises the label is woven into the cloth rather than being stamped or otherwise placed thereon. The rule followed may be briefly stated: "For registration as a label some decorative element must exist." Where a name and/or slogan alone comprise the work with no artistic embellishment no registration as a label is in order.

The case has been submitted to the Revisory Board and the Board is of the opinion that the application in this case should be rejected. It is not believed that the fact that the name is woven in the cloth is in itself sufficient to justify registration.

Mr. Howell, the Assistant Register of Copyrights, presented this problem to the Revisory Board.

Respectfully submitted,

Chairman, Revisory Board

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 7, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 11:30 A.M.
Those present were: Mr. Smith, Mrs. Brady, and Mr. MacCarteney.

Total time consumed 90 mins.
Unanimous decisions 14
Divided opinions 1

1. Else, H. J. (23669)--Class I. "Stadia, for Rapid Work; Simultaneous Plotter." Examiner sustained. Unpublished drawing may be registered but point out that when the work is published it will be a device which is not registrable in this Office.
2. Kennedy, George C. (22803)--Class ? "Tru-Tone Color Guide." Reject. Do not suggest possible technical drawing registration since work appears to be in complete form ready for publication. A device is not registrable in this Office.
3. Perone, F. T. (No Fee)--Class K? "F D R Democracy in Action." Examiner sustained. Suggest form K after publication with the copyright notice, since work is a print or pictorial illustration.
4. Cotter, C. Letitia (23278)--Class G? "Picture Test--2 circles...." Examiner sustained. A number of pictures have been passed on a wheel. Each separate drawing may be registered upon its own application (G2) and fee. Work as a whole is a device, and upon publication with the copyright notice, registration in this Office is not in order.
5. Stock Yards Supply Co. (24544)--Class A. "Stock Yards Supply Co., Catalog No. 18." Examiner sustained. Name of copyright owner has been omitted from the copyright notice. Reject.
6. Seifert, Gustav (23587)--Class C. "The Fourteen Stations of the Cross." Examiner sustained. Copy deposited does not appear to be a lecture, sermon or address prepared for oral delivery. Stations of the Cross not copyrightable. Reject.
7. Procure for Foreign Missions (24709)--Class A. "About St. Francis or St. Francis of Assisi." Accept application giving copyright owner as Franciscan Missionaries of Mary," if such an application is filed, since this is the only name upon the title-page in immediate juxtaposition to other elements of the notice.
8. Lindbergh, James H. (24615)--Class A. "America for Americans." Reject. Notice lacks year date and, therefore, not acceptable for "book" (poem) Do not suggest K registration.

Minutes of the Revisory Board, April 7, 1941, page 2.

9. Daniels Press (No Fee)--Class K? "U.S. Army Air Corps. (Album leaf)." Examiner sustained. Registration may be made as a print or pictorial illustration after publication with the copyright notice since there is copyrightable material in addition to the blank form element.
10. Scott, Foresman and Co. (14225)--Class A. "Basic Geometry." Register as applied for accepting application form A2 giving as part of new matter "preliminary pages". Office has no record to the contrary that the present preliminary pages may not have been revised. *Also on MP-731*
11. Ludwig, Clara E. (15956)--Class E. "My Umbrella." Examiner sustained. Work is being distributed. Copies deposited lacks year date of publication in notice of copyright. Reject. Examiner sustained.
12. Voss, Kitty Keepers (11973)--Class C. "Dream Awhile." Reject. Work as deposited is not in the form actually to be broadcast, but rather is a "book". If it is published with copyright notice registration may be made.
13. King Features Syndicate, Inc. (Deposit)--Class H. "Cecille Dionne" and others. Examiner sustained. Photographs of paintings require class H registrations. Reject photograph of text matter. No notice on the text matter for a "book" registration. Inquire how the photographs are published. *Also on MP-746.*
14. Rubistein, Luis (65650)--Class E. "Martes 13" and "Charlemos." Write again, requesting answer to Office's previous letter. If remitter is not assignee of claimant in notice, then the work must first be published with correct notice (foreign work) before registration is in order. *First referred to MP-586*
15. Chritton, Wiles, Davies and Hirschl (18474)--Class G. "Vanishing American Landmarks, Etchings by Lammers." Division of opinion as to whether one or two G2 registrations are required for the two works of art in each folder with separate notices of copyright. Appeal. Col. Bouvé orders registration as a "book" following established precedent and in view of the nature of the work (no memorandum prepared). *First on MP-724.*

MINUTES OF THE REVISORY BOARD
Copyright Office
April 9, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 10:45 A.M.
Those present were: Mr. Wise, Mr. Smith, and Mrs. Brady.

Total time consumed 45 mins.
Unanimous decisions 10

1. Arco Company (25548)--Class A. "Arcozon Precision Colors Master Book." Request application for pages 147-150 which bear statutory notice. Other pages (151-178) have advance year date in notice and must be rejected.
2. Larson, Lloyd S., Service (21916)--Class KK? "Farming Today is a Specialized Business." Request A application. Work advertises services of a mill rather than a special feed.
3. Cloucrest (23697)--Class ? "Wheel of Fortune." Work consists of a single sheet folded once illustrating certain articles of merchandise which may be secured upon the pulling of certain tags on the "Wheel" if one takes a chance. Refer to Print and Label Examiner for consideration.
Also on MP-732.
4. Goodwin, Walter (20671)--Class A. "So You've Just Had a Baby." Register as applied for. Copies contain sufficient text and pictorial matter to permit registration, and no specific reference is made to record which is to be contained therein. Also work does not advertise the record, its purpose being to give certain beneficial exercises for keeping thin.
5. Wonnell, Kent W. (21989)--Class ? "Astronomy Comparison Chart." and one other. Examiner sustained. Works are slide rules and, therefore, not subject matter of registration.
6. Ginn and Co. (24574)--Class A. "Teachers' Key to 'Plane Geometry' Revised Edition." Work bears notice that teachers' edition is to be returned to publishers as soon as the teacher is through with it, the idea being to prevent the work from falling into students' hands. Register as a published work.
7. German Library of Information (25757)--Class A. "Werkstoffe-Miracles of German Chemistry." Examiner sustained. Request application giving name and citizenship of translator rather than that of original author in lines (3) and (4). The name of original author may appear after title.
8. Dozinski, Leonard F. (No Fee)--Class G. "Innovations on Envelopes." Copies consists of decorated envelopes for mailing. Suggest design patent. Do not suggest G2 registration in unpublished form.

Minutes of the Revisory Board, April 9, 1941, page 2.

9. Earl, Warren (24670)--Class A. "Instructions for Building Your Own Attic Fan." Reject. Work first published without name of copyright owner in the notice. The name in the notice is not that of the copyright claimant.
10. National Broadcasting Co. (25583)--Class D. "The New Nutrition." Work bears no notice of copyright. D1 application filed with statement on last page that "a reprint of this broadcast is available..at cost of ten cents." Reject.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 10, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 10:45 A.M.
Those present were: Mr. Wise, Mrs. Brady, and Mr. MacCarteney.

Total time consumed 45 mins.
Unanimous decisions 9

1. Wilding Picture Sales Corporation (25861)--Class D. "Wayside Wonders" and "This Way to Happiness." Title-page indicates that material (text) is intended for motion picture. Write and explain procedure for copyrighting motion pictures.
2. Cambosco Scientific Co. (26207)--Class A. "Cambosco Order Book 1941-42." Register as applied for. Work is a "book" and the chart on the back cover is only incidental to the work as a whole. Do not reject as a device.
3. Gabbert, John G. (12861)--Class A. "Pan American Spanish Lessons 1-10." Proof copies filed. Deposit copies of the work as actually published.
4. Donnelly, Thomas S. (22422)--Class G. "U.S. National Defense Worker." Examiner sustained. Request application describing the work as a "drawing". Reject attorney's request to call it a "design for a work of art" since the work when completed and published will be a license plate.
5. Willis Music Co. (Deposit Account)--Class ? "The Wheel of Musical Knowledge." Rejection as a device by examiner and Revisory Board sustained. Refer letter of remitter to Col. Bouvé. *First on MP-686*
6. Scott, Foresman and Co. (14225)--Class A. "Basic Geometry." Register upon receipt of application giving correct statement of new matter. *First on MP-728*
7. Johnson, H.S. (25631)--Class KK? "Peggy Ann Shoe Salon Announces Gigantic Counter Offensive Blitzkrieg on Old Shoes." Request KK application for the printed circular with text and shoe illustrations, together with additional fee of five dollars.
8. Rosenstein, Jaik (25927)--Class D. "One Night of Horror." Register as applied for. Applicant has filed application with description as suggested by Office.
9. Glover, H.B., Co. (20273)--Class ? "Calendar Selling." Reject. Work consists of a picture of one month of a calendar together with about twelve or fifteen words of text. Reject. Words and phrases as such not copyrightable.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 14, 1941

The Revisory Board met at 10:10 A.M. and adjourned at 11:15 A.M.
Those present were: Mr. Wise, Mr. Smith, and Mr. MacCarteney.

Total time consumed 65 mins.
Unanimous decisions 13

1. Maniscalco, Vince (No Fee)--Class I? "cellophane cover on cigarette packages." Reject. Idea not copyrightable. Do not suggest possible I2 registration.
2. Mann, Brown and Cox (22148)--Class ? "Lucky Chess Cross." Ask statement concerning publication and explain that ideas and games, as such, are not copyrightable. Inquire as to the nature of the "game" advertised.
3. Clouderest (23697)--Class KK. "Wheel of Fortune." Request KK application and additional fee for one page leaflet with illustrations of articles of merchandise. *First on MP- 729*
4. Flateau, Henry M. (24665)--Class KK. "Stretch." Illustrated leaflet which when unfolded constitutes a single page advertising cosmetics. Request KK application and additional fee.
5. Polachek, Zoltan H. (No Fee)--Class ? "Doll Hanger Designs; The Little Red Hen, etc." Request application on form K with title not referring to deposit as hangers. Inquire whether material is published in form deposited, the several illustrations on a single card. Each separately published hangers is design patent material.
6. De Filipp, Armando P. (20705)--Class G. (Symbols for Military Use.) Ask application on form G2 with title taken from the copy and description of the drawings submitted. *First on MP- 714.*
7. Abbott, D. E., and Co., Inc. (26509)--Class ? (Liberty bell, draped flags, columns, and drapery, arranged to form a picture frame." Possible design patent material. Refer to Patent Office. Not registrable here.
8. Markets, Inc. (21000)--Class A. "Next Week" in "Markets" March 20, 1941 Register as applied for without corresponding with respect to possible publication with incorrect name in copyright notice.
9. Cosgrave, George E. (23969)--Class A. "Sportswheel." Point out that copyright is not obtainable in the idea for calendar and suggest application be filed on form K for the print. Accept applicant's statement of publication.

Minutes of the Revisory Board, April 14, 1941, page 2.

10. Davis, Arthur F. (27257)--Class A. "Freshman Guidebook on Personal Hygiene." Enter both works as applied for in name of the copyright owner who is applying. Rights of second person whose name is also in notice can be decided between the claimants or by a court.
11. Doubleday, Doran and Co., Inc. (Deposit)--Class ? "The Garden Wheel." Reject. Work is a device similar to that submitted by same remitter for music.
12. Iowa University, State (13785)--Class A. "Iowa Every Pupil Tests of Basic Skills." Examiner sustained. Point out that devices as such are not copyrightable. Request Al applications giving titles which omit reference to scoring keys.
13. Brylawski, Fulton (Deposit)--Class D. "Delicate Story." Request clarification of statement of authorship. Copy deposited is English version of play originally written in Hungarian. Ferenc Molnar is given in application as author. Title-page states that the work is by Ferenc Molnar, English text by Gilbert Miller.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 16, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 11:00 A.M.
Those present were: Mr. Smith, Mrs. Brady, and Mr. MacCarteney.

Total time consumed 60 mins.
Unanimous decisions 8
Divided opinions 2

1. Picture Piano (27219)--Class ? "Viennese Refrain." Explain that copyright can not be secured for a system. Suggest registration as a "book" to cover the copyrightable material.
2. Fee, Ray E., Publishing Co. (22380)--Class A. "The Fee Hand Gram." Reject. Copyright is not obtainable for an idea or system and work does not contain sufficient copyrightable matter to support a claim.
3. Colyer Printing Co. (27810)--Class K? "We Have a Plan for Beautifying Your House." Refer to Examiner of Prints and Labels for consideration as to whether work is a commercial print.
4. Desrosiers, Michelle Le Normano (27424)--Class A. "La Maison aux Phlox." Register the edition of the work bearing the notice (U.S.edition) as applied for. Return the copies of the Canadian edition which do not bear the notice.
5. Liturgical Art Sales Co. (24181)--Class K. "6 Berta Hummel Pictures..." Examiner sustained. Explain that agent or licensee is not the copyright owner. If remitter is the assignee of the U.S. copyright by contract separate registration for each separate print published with copyright notice containing the name of the copyright owner may be made.
6. Schmidt, Mabel Pearson. (27562)--Class A. "Overtones." Name appearing in notice is "by an Unknown Minstrel" while that in application is Mabel Pearson Schmidt. Reject. Legal name of copyright owner not in notice.
7. Schwamb, William (No Fee)--Class ? "The Maple House." Reject. Work lacks notice of copyright. Send circular pointing out that names are not copyrightable.
8. Standard Stoker Company, Inc. (25562)--Class A. "Plant Brochure." Revisory Board's decision of February 25, 1941 to reject the work because the notice lacked the name of the copyright owner sustained. Reject again. *First on MP-692 - Accept notice (SEE "NOTICE")*
9. Oppenheim, Ramsey (26569)--Class B. "Western Advertising, Vol. 38, No. 4, March 15, 1941." Division of opinion as to adequacy of copyright notice. Appeal. *Accept notice but write re future publications - HAH (See "NOTICE")*

Minutes of the Revisory Board, April 16, 1941, page 2.

10. Messner, Julian, Inc. (18037)--Class A. "Beyond Reasonable Doubt."
Division of opinion as to whether new application omitting reference
to pseudonym in line (1) is required before entry can be made. Appeal.

*See MP-736 First on MP-707 - Register - No
memo written by opposing member of Board*

MEMORANDUM

April 16, 1941

Remitter: Ramsey Oppenheim (26569)--Class B.

Title: Western Advertising, Vol. 38, No. 4, March 15, 1941

Questions: Adequacy of copyright notice.

The copy bears upon the title-page the following copyright line:

Inaugurated 1932 Copyright by Ramsey Oppenheim Arthur Duncan, Editor and Manager

New Page Designs Copyright 1941 All Rights...

Mrs. Brady and Mr. MacCartney are of the opinion that the notice does not contain the year date and hence is fatally defective and should be rejected. Mr. Smith, however, maintains that 1932 can act as the year date in the notice, the copyright owner however losing nine years of his original copyright term by having the earlier date as a part of the notice. The applicant should be advised as to the better procedure to follow in the future so that there will be less doubt as to the adequacy of the copyright notice upon his publications.

Respectfully,

Acting Chairman, Revisory Board

Accept copyright notice but write re future publications--H.A. Howell 4/19/41.
Note-This remitter began registering this publication in 1932 and
has continued ever since.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 18, 1941

The Revisory Board met at 10:10 A.M. and adjourned at 11:10 A.M.
Those present were: Mr. Wise, Mr. Smith, and Mr. MacCarteney.

Total time consumed 60 mins.
Unanimous decisions 15
Divided opinion 1

1. Wolff and Lawrence (60533)--Class KK. "Bock Beer Bar" and others. Examiner sustained. Works are registrable as commercial prints. Re-quest applications accordingly.
2. Harper and Brothers (26783)--Class A. "Reveille in Washington 1860-1865." Register as applied for. Work is published for the first time. "Reprint" refers to contemplated book of which the chapters now deposited are a part.
3. Branner, Edward (28044)--Class C. "A Brief Account of Order." Register as applied for. Work is a lecture to be delivered in connection with stereoptican slides.
4. Riggs, Alonzo J. (23613)--Class A. "Warning Physicians! Beware of Socialized Medicine." Accept joint claim in application. Applicant states that both names (instead of only one of them) should have been given in the notice.
5. Miles, Robert (25922)--Class A. "Robert Miles Has Another Idea for Northport's Advance" in "Northport Journal" April 4, 1941. Explain that idea is not copyrightable and that when copyrightable material is published with a copyright notice and material deposited in this Office the application cannot be withdrawn. Request application and complete copy.
6. Brown and Jones (13435)--Class G. "Fiesta Ribbons." Registration is in order as published drawings, but before "Early Express Engine" can be registered an application must be filed giving the date of publication. Examiner sustained.
7. Otis Elevator Co. (81729)--Class KK? "Parts Leaflet C-936--6316..." and others. Class KK affirmed. Illustrated leaflets showing parts of elevators. *First on MP-643*
8. Messner, Julian, Inc. (18037)--Class A. "Beyond Reasonable Doubt." In view of absence of dissenting member of the board without preparation of dissenting memorandum, register as applied for. *First on MP-7074 735*
9. Colyer Printing Co. (27810)--Class KK? "We Have a Plan for Beautifying Your Home." Work advertises a nursery for trees, shrubs, etc. Request KK application and additional fee.

Cases Considered by the Revisory Board, April 18, 1941, page 2.

10. Heath, D. C., and Co. (24426)--Class A. "Personality and the Family." Inquire when assignment to D. C. Heath and Co. took place. If the assignment was made prior to publication work must be rejected because name of copyright owner at time of publication does not, in that event, appear in the notice.
11. Schirmer, G. (Deposit)--Class I. "Staff Diagram for Writing Music." Explain that blank forms, idea for scoring orchestral arrangements, etc., are not copyrightable. Ruled sheets with treble and bass clefs indicated have been deposited. Reject.
12. Dillon, George H. (28224)--Class G or K? "National Defense, Americas First United, My Country I Am of Thee Democracy." Work consists of conventional shield and American Eagle with three mottoes or slogans consisting in all of ten words. Reject.
13. Villa, Vincent (E-254923). "My Dream." Register as applied for. United States has copyright relations with the Philippine Islands. Applicant indicates composer is a citizen of the Philippines with first United States papers.
14. Pace, Julian D. (No Fee)--Class A. "I Have a Buyer for Your Ford..." Explain that ideas are not copyrightable and that mere words or phrases standing alone are not copyrightable.
15. Saunders, Mae F. (26709)--Class I. "Teacher's Monthly Attendance Report Guide." Point out that ideas, systems, etc., are not copyrightable and that registration is not in order for devices. Do not suggest registration as an unpublished drawing.
16. Standard Stoker Company, Inc. (25562)--Class A. "Plant Brochure." Division of opinion as to whether notice of copyright is acceptable. Appeal. *Also on MP-734 (Accept NOTICE) (SEE "NOTICE")*

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 21, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 11:00 A.M.
Those present were: Mr. Wise, Mr. Smith, and Mr. MacCarteney.

Total time consumed 60 mins.
Unanimous decisions 12

1. Reid, David McKeen (20996)--Class ? "Where Do We Go From Here." Register as applied for on form D2. May be intended for screen presentation but work as deposited is in complete dramatic form. *First on MP-719*
2. Reid, James V. (27376)--Class E. "Not by Nail Prints Only." Advance year date in notice. Reject.
3. Morgan, A.M.S. (21431)--Class F. "Automotive Dealers Sales Standing by Colors and Territories." Accept maps with colored areas made with crayola, without questioning extent of distribution in view of applicant's explanation that 500 have been printed and approximately 30 a month are distributed in form deposited. Enter.
4. Rothbart, Arthur (28241)--Class C. "A Discussion of Straboscopic Effects and Their Application." Register as a lecture as applied for. Drawings accompany text of lecture for basis of illustration. Note he refers to work as "This lecture" on one of the pages.
5. Hardin Chemical Co. (7807)--Class KK. "Glo-Klean." Work is a label consisting primarily of text matter. Request KK application and additional fee of four dollars. Examiner sustained.
6. Kallus, Joseph L. (27492)--Class G. "Bottle in Crown." Possibly an article of utility. Inquire purpose of work and whether it is intended as a bottle holder. *Also on MP-752 and MP-754*
7. Duffie, John Patten (28901)--Class A. "Diefenderfer's Prescription Service" and one other. Blank forms. Reject. Examiner sustained.
8. Baer, Herbert H. (27566)--Class G. "My Father Serves His Country Yours and Mine." Register as applied for. A drawing has been deposited and work when completed and manufactured might be classifiable as a work of art. *Also on MP-740*
9. Wickman, Blanche Vivian (27546)--Class G. "Washington Island, Wis." Ask I2 for the unpublished map, i.e., drawing in view of Col. Bouvé's recent decision. *Also on MP-742, 762 + 764*
10. Jones, Ira Milton (20296)--Class KK? "Prime Electric Fence." Request KK application and additional fee, on basis that work is a "print" not a label.

Minutes of the Revisory Board April 21, 1941, page 2.

11. King Features Syndicate, Inc. (Deposit Account)--Class B. "Ace Comics, Nos. 10, and 11, January and February, 1938." Hold one copy of each work. Published in 1937 with a year date of 1938 in the notice. Reject.
12. Industrial Training Institute, Inc. (No Fee)--Class A. "Technical Training Service." Request examiner to make envelope. Copies submitted by mistake show a copyright notice. Request applications, fees, and copies for works as actually published.
13. Olsen, Harold (3900)--Class A. "American Linen Companies Color Harmony Guide." Reject. Completed copies present a device for avowed purpose of harmonizing colors: *First on MP-689*
Final decision on MP-749

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 23, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 11:00 A.M.
Those present were: Mr. Wise, Mr. Smith, and Mr. MacCarteney

Total time consumed 60 mins.
Unanimous decisions 13
Divided opinions 2

1. Guild Agency (W.R.37114)--Class A. "1941 Red Sox-Bees Home Games Schedule." Work of this title has previously been registered. Limit rejection in instant case to absence of new copyright matter. Do not refer to the schedule.
2. Hazard Advertising Corp. (28621)--Class B. "Bearing Engineer, Vol. 1, No. 1, February, 1941." Notice contains three elements necessary. Register.
3. Morgan, Norman Isom (28205)--Class E. "My Soldier's Prayer." Register as applied for. Name of copyright owner is only name on page and appears just above the other elements of the notice.
4. Gallinet, C. Fred (23774)--Class J. "Fotopruf." Write that an idea, scheme, plan, etc., for advancing tire sales is not copyrightable. Explain publication with respect to a photograph.
5. Yam, Moses Z. (5446)--Class A. "An Outline and Explanation of Radio L.Q." Copies previously received were indicated as the only copies bearing the names of the copyright owners typed thereon. New copies bear notice. Inquire first whether work was first published without notice.
6. Town Hall, Inc. (28498)--Class A. "Town Hall Advisory Service, Services 1-2-3 for Meeting April 24, 1941." Register as applied for, accepting copies bearing 1940 year date in notice and application giving 1941 year date. Note work refers to meeting of April 24, 1941
7. Baer, Herbert H. (27566)--Class G. "My Father Serves His Country Yours and Mine." Register as applied for. Advise Index Unit to make proper cross reference card with notation on main card showing title appearing on copy. *First on MP-738.*
8. Cleminshaw, J. M., Co., The (13451)--Class A. "State Savings Association, Grand Rapids, Michigan, Card Form." In view of questionable character of deposit (blank form) refund as requested by applicant. *First on MP-691*
9. Comet Press, Inc. (25302)--Class A. "The Surgery of Pulmonary Tuberculosis." Accept application giving Mrs. Pol N. Coryllos as claimant but before registration can be completed a new affidavit is required.

Minutes of the Revisory Board, April 23, 1941, page 2.

10. Rentscheler, G. W. (28806)--Class A. "Rocky Rim Ranch." Register as applied for upon receipt of proper application. One now in hand gives only a portion of the information requested.
11. Fortuny's Publishers, Inc. (6311)--Class A. "Small Town Kingdom." Unbound copies deposited which applicant explains are the only ones not distributed, and after correspondence he offers to bind them if the Office will return them for that purpose. Return copies and make tickler card. If copies not returned bound in two weeks make formal demand. *Also on MP-772*
12. Rudell, Elizabeth (No Fee)--Class K? "These Colors Will Not Run." Work consists of blank envelope, in the upper lefthand corner of which appears a colored picture of the flag with the words "These Colors Will Not Run." Reject. Conventional presentation of U.S. flag and mere words or phrases standing alone are not copyrightable.
13. Broadway Association, Inc. (No Fee)--Class K? "Make New York Your Vacation City." Copies deposited consist of a pictorial sticker with a list of items of what to see and do in New York. Not a commercial print or a book. If published with notice lacking name of copyright owner, no registration is in order. Explain procedure for copyrighting a print or pictorial illustration in event publication has not yet taken place.
14. Pepsi-Cola Co. (28946)--Class KK? "Vest Pocket Baseball." Division of opinion as to whether commercial print containing a device or gadget element is copyrightable. Appeal. *Request KK (See "PRINT AND LABEL")*
15. Cercle de la Librarie (Deposit)--Class A. "L'emouvant journal de Mme de Chlapowska." Division of opinion as to whether 11 instalments of a work in a foreign language published in a foreign newspaper is registrable as A3 ~~or A3~~ ^{with four sheets of the newspaper} Appeal. *Request complete copies of the newspapers. (See "Book")*

MEMORANDUM

April 22, 1941

Remitter: Popsi-Cola Co. (20946)--Class KK.

Title: "Vest Pocket Baseball"

Question: Is the deposit a commercial print subject to copyright?

Mr. Wise and Mr. MacCartney are of the opinion that the deposit is properly classifiable as KK material regardless of the presence upon it of a gameboard and a device used in connection with the game.

Mr. Smith is of a different opinion in that he holds the presence of the gameboard and the instrument used in the playing of the game prevents any copyright protection to such other portions of the work in which ordinarily copyright might be claimed. This, he feels, is in conformity with the practice of the Office in denying registration of text and pictorial matter published with a copyright notice because such literary property forms a part of a gameboard or device. Why then should literary or pictorial matter published as a commercial print be afforded any greater protection or treated in any different manner under the copyright law when the question of gameboards and devices is considered?

Respectfully submitted,

Member, Revision Board

Examiner sustained--H.A. Howell 4/24/41. Commercial prints and labels stand on a different footing. Request KK application.

SUBJECT

MEMORANDUM

April 25, 1941

Remitter: Cercle de la Librairie (Deposit)--Class A.

Title: "L'Émouvant journal de Mme de Chlapowska"

Question: Is acceptance of tear sheets as deposits to accompany applications for registration of foreign newspaper contributions.

The correspondent has filed a number of applications on forms A3 covering contributions to newspapers and has deposited to accompany the applications tear sheets, clippings, etc. Complete copies have not been deposited in accordance with the express provisions of the copyright statute.

It is the opinion of Mr. Smith and Mr. MacCartney that these applications should be accepted accompanied by the tear sheets, taking into consideration the world emergency and the practical impossibility of the correspondent to file complete copies of these newspapers. With the difficulty and predicament in which the correspondent finds itself Mr. Wise is in full sympathy, but there seems to him to be no justification for violating the express provision of the copyright statute which requires the deposit of one complete copy of a newspaper or periodical in which appears a contribution for which the application is filed. It may be argued that the A3 application does not specifically refer to a newspaper contribution as does A5, and since application is made for a "book" the printed text matter should be accepted. This seems to be such a clear attempt to evade the express provisions of the statute as not to be worthy of argument.

Respectfully submitted,

Chairman, Review Board

Request complete copies of newspapers and A5 applications--
order of Col. Bouvé.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 28, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 10:30 A.M.
Those present were: Mr. Smith, Mrs. Brady, and Mr. MacCarteney.

Total time consumed 30 mins.
Unanimous decisions 2

1. Wickman, Blanche Vivian (27546)--Class G? "Washington Island, Wisconsin."
Add P.S. to letter (suggesting registration as I2, unpublished technical drawing) requesting a more legible identifying reproduction of the work.
First on MP-738, 762 and 764
2. Longmans, Green and Co. (26374)--Class D. "Directors Manuscript: 'Easy Living'." The play "Easy Living" has been registered for copyright. This work contains considerable text matter in addition to the play. Request application on form A1 to cover the new matter, giving after the title in line (6) "All the matter except the words of the play which are copyrighted under D-1-72884" as a statement of the new material.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
April 29, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 11:05 A.M.
Those present were: Mr. Wise, Mr. Smith, and Mr. MacCarteney.

Total time consumed 65 mins.
Unanimous decisions 20

1. Tracy, Olive L. (29554)--Class A. "National Auto Glass Specifications." Reject. Name of copyright owner does not appear in the copyright notice.
2. Lyon and Lyon (26345)--Class KK. "The Clary Direct-Multiplying Calculister". Applicant in protesting submission of application on form KK explains that work is in the nature of a prospectus published to stockholders of the Clary Multiplier Corporation only and for purpose of acquainting them with the progress and operation of the corporation. Work is a leaflet bearing illustration of the Calculister. The purpose of the leaflet is to sell machines. Request KK application.
3. Faries Mfg. Co. (29351)--Class A. "Faries Fluorescent Catalog No. 44" and one other. Four copies have been deposited. Two bear notice with name of copyright owner as S. Robert Schwartz and two with Faries Mfg. Co. as claimant. Write and inquire as to relationship of copyright owner.
Also on MP-768.
4. Lyons, William Anthony (25624)--Class E. "Tho' We Part Tomorrow." Work now being registered is a revised version of unpublished musical composition first registered in 1935. Suggest that notice of copyright should include year dates of first copyright and that of revised work.
5. Allen, Lane and Scott (31072)--Class KK? "Lee-Dership", April, 1941. Request KK application and additional fee. Work is similar to "Kramer Alloy News" which is a leaflet distributed to employees of the company.
6. Dutton, E. P., and Co., Inc. (Deposit)--Class D. "Curtain Calls for Franz Schubert." Work consists of a dramatico-musical composition, the musical compositions interwoven into the work being from the works of Franz Schubert. Request application on form D3 in preference to A1 form filed.
7. Bloch Publishing Co. (No Fee)--Class E. "El Hatzipor (To the Bird)." The application filed should be in the name of the original copyright owner. The instrument of assignment should then be sent to this Office for recording and thereafter the name of the assignee may be substituted for that of the assignor in the notice of copyright.
8. Madeira, William Ives (30026)--Class C. "Our Polly!" Reject, letting applicant make case. Work submitted as a lecture is primarily an unpublished poem. Ask how it is used.

Minutes of the Revisory Board, April 29, 1941, page 2.

9. University Publishing Co. (29805)--Class A. "More About in the City and on the Farm." Register as applied for accepting copies bearing 1940 in copyright notice with application giving April 15, 1941 as date of publication.
10. Greenberg Publishers (13839)--Class A. "100 Non-Royalty One Act Plays." Register as applied for accepting A1 application filed. Work is a compilation of one act plays.
11. Richards, E. M. (28223)--Class A. "Sleepy Hollow Golf Course." Examiner sustained. Request unmarked copies of work as distributed. Reject "The Richards Advertising Golf Score Card" because name of copyright owner does not appear in the notice.
12. Zepp Photo Service (29369)--Class A. "Zepp Photo Service Blue Ribbon Package." Examiner sustained. Copies are intended for use in identification of films sent for processing and to hold the finished prints until owner calls for them. Work is an article of use. Reject.
13. Owen and Owen (17589)--Class A. "Those Good Old Days." Ask which way advertising prints were first published (as newspaper advertisements, car advertising, billboards, etc.). Enter the booklet as applied for in view of applicant's explanation.
14. Ediciones Internacionales Fermata (45290)--Class E. "Llego Una Carta." Register as applied for in absence of any reply as to whether copies deposited represent best edition.
15. News Cavalcade, Inc. (30706)--Class A. "News Cavalcade, Vol. No. 1, June, 1941." Work is a compilation of news events from 1909 through 1919. Register compilation as A1, upon receipt of appropriate application.
16. Ashmun, Walter R. (29856)--Class A. "Contract Bridge Score Chart for Rubber Bridge Scoring." Work is a card approximately seven inches square with scores for rubber bridge. Inquire what is the basis of his original authorship.
17. National Paint, Varnish, and Lacquer (25863)--Class A. "Manual for Wood Sash Putty, Cir. 610 (7 others). "U.S. Government Paint Specifications Circular 618" has been entirely rewritten according to applicant. Accept A1 application filed. Do not request A2 as a revised work.
18. St. Clair, Floyd Pitner (29591)--Class A. "Manipulative Treatment of Athletic Injuries to Joints." Enter since notice appears at front of book on fourth printed page from title-page. As printed this page might be considered (along with three intervening pages) as continuing title page. Point out better position for notice on future works.
19. Carpenter, Abbott and Coulter (65012)--Class A. "The Eifel Classi-File." Reject again. Work is a device. *Also on MP-602 and 630.*

Minutes of the Revisory Board, April 29, 1941, page 3.

20. Johnson-Randolph Co. (29943)--Class A. "My Own Income Tax Record." Reject. Notice "Copyright April 1941" appears between the name of the author and the name of the publisher so that it is not possible to determine who owns the copyright.

MEMORANDUM

April 30, 1941

To Mr. MacCartney

Referring to: Whether a publication consisting of copyrightable text and non-copyrightable music bearing two notices of copyright, one in connection with the copyrightable text and the other in connection with the non-copyrightable music, may be registered on Form A-1, limiting the claim to the copyrightable text.

After consultation with Col. Bouré the following principles have been agreed upon:

1. A work consisting of a page or several preliminary pages of text followed by a musical composition which is in the public domain--both text and music bearing a copyright notice--accompanied by an application on form A1 to cover the text, should be accepted. The fact that the music in the public domain bears a copyright notice is no justification for rejection of an application covering copyrightable text.
2. The facts as in No. 1, with a notice of copyright only on the music, no applications should be accepted.
3. A work consisting of copyrightable text and copyrightable music, each bearing its own notice of copyright, is subject to two registrations--one as a book and one as a musical composition. This is suggested as the safer course for the applicant to follow rather than to rely upon one registration to cover both text and music--especially in view of the fact that each bears its own copyright notice.

Associate Attorney