

MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 1, 1941

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The Revisory Board met at 3:30 P.M. and adjourned at 4:30 P.M.  
Those present were: Mr. Smith, Mrs. Brady and Mr. MacCarteney.

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Total time consumed, 60 mins.  
Unanimous decisions 8  
Divided opinions 3

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1. Patriotic Pictorial Co. (44273)--Class K. "God Bless Our Boy" and one other. Examiner sustained. Write with respect to variance in name of copyright owner. Inquire whether copies deposited represent best edition distributed. Make separate envelopes for the material received on different dates.
2. Clay-Adams Co. (No Fee)--Class I. "Anatomy Chart." Examiner sustained. Material lithographed in Canada and sold in the United States is not registrable because of manufacturing provisions, but quote Section 15 so that applicant may have opportunity to make case. *Also MP-854*
3. MacMillan Co. (37244)--Class A. "Emma, A Play." Request application on Form A-2 giving new matter as "Prefatory Letter to Jane Austen." The new matter is not dramatic material.
4. MacFarlane and Harris (44994)--Class B. "National Hobby Bulletin, Vol. 2, No. 5, June-July, 1941." Notice of copyright for the work as a whole is inadequate, lacking year date of publication. No notice appears in connection with the advertisement on Page (3), for which copyright registration is desired. Reject.
5. Dickson, Erna May Sutton, (Mrs. W. B.) (41313)--Class A. "Teamwork" and others. Examiner sustained. Applicant states copies were distributed on May 16, 1941, at which time they bore inadequate notice. Reject. Registration not now in order.
6. Wittels, R. (43967)--Class K. "Our Son Now Serving His Country" and one other. Explain publication and inquire whether copies deposited represent best edition published. If works have already been published, registration not in order, since copies do not bear the statutory notice. Do not write with respect to two registrations at this time.
7. Suerstedt, Cecilia (38199)--Class A. "Wine." Reject. First published without copyright notice. Examiner sustained.

8. Thorp and Martin Co. (44850)--Class A. "Naribo Nuplan Loose-leaf Album, Section France No. F-76." Enter, using application received June 7, 1941. Adequate notice appears on envelope in which material is inserted. Office has nothing to show that this notice was not on the envelope at time of publication.
9. Superior Advertising, Inc. (44981)--Class ? "Put Your Name in Lights." Division of opinion as to whether the work is a "book" or a "commercial print." Appeal. *Register as KK-WHLW. and CLB. (SEE "PRINT AND LABEL")*
10. Connolly, Willard Ryder (44093)--Class ? "Aero-Base, A Gameboard for Playing with Marbles." Division of opinion as to whether registration is in order for a drawing of an unpublished gameboard as a "work of art." Appeal. *Photostat of Gameboard filed. No protection for gameboard (SEE "GAMEBOARD")*
11. Sperry, Albert (44547)--Class KK ? "Drop a Pack in the Sack." Division of opinion as to whether cardboard print for raising money is classifiable as a "print or pictorial illustration." Appeal. *ARTICLE of UTILITY - REJECT (See "COPYRIGHTABLE")*

LCS:mb  
7-3-41

MEMORANDUM

July 1, 1941

Remitter: Superior Advertising, Inc. (11601) Class 7  
Title: "Put Your Name in Lights."  
Question: Is the deposit a commercial print?

The deposit consists of a card with the cover of a safety-match folder stapled thereto. This match cover advertises Master Mix Feeds. The card to which the match cover is stapled gives the prices and instructions to follow to order the completed book matches. The copyright notice appears upon the card and not upon the match cover.

Mrs. Brady and Mr. MacCarthy are of the opinion that the work should be considered a commercial print and application Form KH be requested with the required fee. Mr. Smith contends that the work does not fall within the instructions issued by this Office which identifies KH material as not consisting of more than one sheet. The present deposit is made up of two separate parts, one stapled to the other. In view of this, and of the position of the copyright notice, Mr. Smith is of the opinion that the material should be considered as a "book," the classification selected by the applicant.

Respectfully submitted

Chairman, Revisory Board

Register as KH. Purpose to further sale of match packets.  
A commercial print. (WBS, 7-8-41)

Decision of Mr. Wise approved by Col. Douv , 7-9-41

Miss F. L. Trew

MEMORANDUM

July 1, 1941

**Remitter:** Connolly, Willard Ryder, (41093) Class 7

**Title:** "Aero-Base," a gameboard for play with marbles.

**Question:** Is the deposit a gameboard?

The deposit consists of a photostat of a gameboard. The applicant states that this gameboard is not in its manufactured form, but is one which he painted upon plywood, drilled holes into, and used to demonstrate how the game worked.

Mrs. Brady and Mr. MacCartney contend that the work in its present form is a painting and registration should be made under Class G, as an unpublished work. Mr. Smith holds that the deposit is a photostat of a gameboard, and that therefore it cannot be held to be subject matter registrable under Class G or I, as a painting or a drawing; in other words, what the man deposits is not an identifying reproduction of a drawing--it is an identifying reproduction of the gameboard itself, and his application Form 1-2 should be rejected. The fact that he refers to a registration for a similar one he made some years ago is no argument for the registration of the present material, and he should be advised that the 1938 registration appears to have been made in error.

Respectfully submitted

Chairman, Revisory Board

A photostat of gameboard filed. No protection for gameboard.  
(WHW, 7-8-41)

MEMORANDUM

July 1, 1941

Remitter: Sperry, Albert (41547) Class K

Title: "Drop a Pack in the Sack" (41547) Class K 7

Question: Under what classification does the deposit fall?

The deposit consists of a board, in the center of which is cut a hole about four inches in diameter. On the back of the board there is attached a cotton sack to act as a container for the material dropped through the opening on the front of the board. Upon the board itself is a print showing a soldier and a sailor holding the bag, the opening representing the cut-out portion of the board. The purpose of the text matter appearing upon the board is to encourage and solicit gifts of tobacco, money and cigarettes for men in the Service. There is no attempt to advertise any particular articles of manufacture. The object is charitable and not commercial.

All of the members of the Revisory Board agree that the deposit does not fall under Classification KK. Mrs. Brady and Mr. MacFertney contend, however, that the correct classification is K, while Mr. Smith holds that the deposit is not subject to copyright protection at all, in view of the fact that it can be considered a device, or better yet, an article of utility for which design patents may be obtained.

Respectfully submitted

Chairman, Revisory Board

An article of utility. Reject. (WHW, 7-3-41)

MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 2, 1941

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The Revisory Board met at 3:30 P.M. and adjourned at 4:15 P.M.  
Those present were: Mr. Smith, Mrs. Brady and Mr. MacCarteney.

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

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1. McDaniel, Joe, Music Co. (37904)--Class E. "Ain't a Bit a Use in Dreamin'," and one other. Write for further information regarding whether or not Joe McDaniel Music Company was actually the copyright owner when work was published with notice, and not mere licensee of all rights except performing. *Also MP 822.*
2. Kutzik, Alfred Jacob. (44619)--Class E-2. "Romance in D." If, as seems to be the case, this musical composition consists of new words written to the public domain music of J. Raff, application should be filed on Form E-3.
3. Urrea, Petronio D. (No Fee)--Class E unpub. "I Can't Get Away From You." Since registration had not been made at the time of applicant's request for substitution of a new copy, accept the later copy and remove copyright number from the original.
4. Brown, Arthur C. (38844)--Class A. "Rapitate Perpetual Clearance Chart." Examiner sustained. Not subject matter for copyright. The work is a device, requiring manipulation to secure the information desired. *Also on M-P 892*
5. Moore, Robert H. (43394)--Class A-5. "That Glorious Emblem in 'Long Beach Billows' for May 30, 1941." Examiner sustained. Copies as published do not bear copyright notice. Original proof copies with adequate notice not acceptable as copyright deposit.
6. Linsenmeyer, Robert N. (43092)--Class A. "Aviation Credit Corporation of St. Louis, Insta-Check." Division of opinion as to whether notice of copyright is adequate to cover the text printed in connection with the blank form. *Appeal. Reject. Notice applicable to blank forms - W#W (SEE "NOTICE")*

MEMORANDUM

July 2, 1941

Remitter: Robert H. Linsemeyer

Title: "Aviation Credit Corporation of St. Louis,  
Insta-Check." (13032) Class A

Question: Is the deposit a blank form?

The copy is of the size and appearance of the usual check-book, consisting of a front and back cover between which are stapled a number of blank checks. The copyright notice appears upon each of the blank checks. No notice appears upon the cover. There is sufficient text matter upon the cover to justify registration under Class A.

Mrs. Brady and Mr. MacCartney are of the opinion that the copyright notice refers to the blank form and not to the text appearing upon the folder, and that therefore the work should be rejected as a blank form. Mr. Smith, however, notes that the copyright notice appearing upon the first check is in such a position that it can be held the applicant has complied with the law in that the notice does appear on the page immediately following the title page. There is a slight amount of text matter upon the check; however, it must be, and is admitted by all members of the Board, that the check deposited alone would be rejected as a blank form. In the past, this Office has accepted books of blank forms if somewhere in the copy there was some text matter which was copyrightable. The applicant was not required to specifically limit the claim of copyright. The applicant in the present case should, therefore, be given the benefit of the doubt. That is the opinion of Mr. Smith, who holds that registration should be made as applied for.

Respectfully submitted

Chairman, Revisory Board

Notice applicable to blank form. Notice repeated on each form.  
Reject. (WHW, 7-9-41)

Rule 5, Bulletin 15

MINUTES OF REVISORY BOARD  
COPYRIGHT OFFICE  
July 5, 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 7

1. Morley, Harry J. (45242)--Class K? "Honor Roll--Defenders of the USA." Name appearing at bottom of page across from statement "Copyright 1941" is Honor Roll Publishing Association, while that in application is Harry J. Morley. If Mr. Morley is doing business as Honor Roll Publishing Association registration may be made upon receipt of application to that effect. Otherwise, application must be rejected because name of copyright owner has not been included in notice.
2. Webster Publishing Co. (45329)--Class A. "Tests to Accompany Sharp's Useful English Book 2." Copies bear slip attached to copies that first printing of work lacked copyright notice. Reject. Publication of work without notice amounts to dedication of the work to the public.
3. Matthews Advertising Service (45560)--Class A. "Hot-Seat Nite." Enter as applied for upon copies received, without questioning whether they are proof copies.
4. Bell, Bert F. (44706)--Class F. "National Highway 20, the Direct Trans-Continental Highway." Notice not in position for registration of the work as a map, and is not in complete form to permit registration for the text matter. Reject.
5. National Stamp Co. (44795)--Class A. "Morning Dollars Receipt." Examiner sustained. Insufficient evidence of original authorship to support a copyright claim. 2 3/4"x1" ticket contains usual text matter found on similar tickets.
6. National Arts Press (45504)--Class A. "Breads and More Breads." Explain that if 100 copies of the work are distributed, it is believed publication will be effected, and registration <sup>can be</sup> made for the mimeographed material as then distributed. Subsequent publication in printed form may be registered in this Office as a "revised edition" if such is the case.
7. Gilmore, Eva Willis (44002)--Class A. "Christmas Number--Panty Waist, Series, Number 1." Registration is not in order as unpublished books as deposited. Explain that the individual drawings may be separately registered if so desired, upon receipt of the necessary applications and fees.



MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 8, 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

1. Crawford, (F.M.) (46514)--Class KK "Properties of Solvents, Diluents and Plasticizers.." Copy deposited, advertising laquer, consists of a compilation of text matter in the form of a chart on a large sheet. Consider deposit a "book" and request application on Form A-1.
2. Newman-Monroe Co. (46336)--Class A-1 "Source and Manufacture of Petroleum Products" Copy advertising petroleum products and consisting of a single sheet when unfolded, contains a number of illustrations and an abbreviated form of the copyright notice. Register as a commercial print upon receipt of application on Form KK and additional remittance.
3. Urrea, Petronio D. (No Fee)--Class E unsp. "I Can't Get Away from You" After further consideration it is found that new copy was received too late to be substituted for original copy. Therefore refer to Examining Section for consideration as to whether new copy contains sufficient "new musical composition" to support new registration. If so, request application on Form E-3 and additional fee.
4. Labor Relations Institute (No Fee)--Class ? "What are your Rights as an Employer?" A small pamphlet, which when unfolded forms a single sheet, has been deposited. The statement "Copyright 1941" appears upon the back, above which in large letters is the name, "Labor Relations Institute." Since this is the only name appearing upon the page, registration may be made, but suggest closer association of elements of notice on future works of this character.
5. Hightower, H. T. (46163)--Class ? "Smack Mussolini," and "Smack Hitler" Reject; indecent. Not copyrightable.
6. Albany Auto Club, Inc. (45982)--Class A "Motoroute" Examiner sustained. Notice of copyright appears on page 23 of a 24-page booklet and is not in full statutory form. Reject.
7. Seyster & Fearer (45990)--Class A-1 "Pro Football Illustrated" Deposit consists of an illustrated booklet containing very common material, but it is not sufficiently vulgar to warrant rejection as obscene. Enter. *Also MP-963*
8. Collier-Tyson Company (46479)--Class ? "A Merry-Go-Round of Fun" Write and ask how copies as deposited are distributed. The copies appear to be a collection of advertisements which may subsequently be published in a newspaper or periodical to advertise "Holiday Brew."

MINUTES OF REVISORY BOARD  
COPYRIGHT OFFICE  
July 9, 1941

The Revisory Board met at 3:30 and adjourned at 4:30 P.M. Those present were: Mr. Smith, Mrs. Brady, and Mr. MacCarteney.

Total time consumed 60 mins.  
Unanimous decisions 7  
Divided opinions 6

1. Mankowski, Bruno (46592)--Class G. "Il Bacio" and "L'Amore". The deposit consists of heavy wall plaques. On the bottom appears a notice consisting of the letter "M" followed by "C" within a circle. On the back of the plaque there is the name of "Mankowski" placed there by means of a rubber stamp. The examiner is sustained in a recommendation that the notice is defective, in view of the fact that only the surname and not the legal name of the copyright claimant appears on the copies.
2. Jackson, Webster & Read (AA 366602)--Class A. "Beautiful Stock Labels" (Catalogue). The deposit consists of various sized stock labels for canned goods, bound together within heavy cardboard covers. On the inside cover is the notice "Copr. 1941 By", and immediately beneath is a round sticker containing the name of the copyright claimant. The question originally arose whether the work should actually be considered published in view of the form in which it was deposited. It is to be noted that the reverse of each label contains the list price for securing it in various quantities. From the statements made by the applicant, it appears that distribution is made not only to his agents, but those interested parties in the canning world. Accept catalogue as a published work. Registration of the copyright claim sustained.
3. Remington Rand, Inc. (46012)--Class A. "Remington Educational Keyboard." The deposit consists of a simple drawing of a typewriter keyboard with a few diagonal lines to indicate which keys are used by the various fingers. There is no indication of any original authorship upon which a copyright claim can be based. The Revisory Board, upon two previous occasions, rejected applications for the registration of the copyright claim to this material as a book. The applicant now files Class I-1 application. The Revisory Board again rejects the application with the recommendation: no original authorship. It is a conventional keyboard drawing with but slight changes of keyboard identifications. No copyright can be obtained to the idea involved. *First on MP-439 + 479 Col. Bouve ordered registration for drawing, as such (See 'KEYBOARD')*
4. Munn, Liddy, Glaccum & Kane (44063)--Class . "Screen Derby." Upon the deposit are partially oval lines representing a race track, with the starting and finishing positions for the horses, each section of the track being numbered as required in the use of the game. Each section of the track has a semi-circular portion, so cut that it can be turned under and thus indicate the progress which the horse

is making. Beneath this drawing of the race track, bearing the title "Screen Derby", are the directions for playing the game. The Revisory Board comes to the conclusion that this is a game board and rejects the application. This conclusion is reached even though the applicant has submitted various exhibits of what he believes similar material which was registered in the past. It is to be noted that none of the exhibits are identical to or represent race track game boards. Some of them are of the nature of bingo score cards with similar perforations as found on the race track.

5. Tide Rips 1941 (38802)--Class A. "Tide Rips 1941". The copy bears a notice "Copyright 1941". Immediately above this notice are the names of the Co-Editors and the Business Manager. The application filed gives as the copyright owner the title of the book "Tide Rips 1941". The examiner would reject on the basis that the notice lacks the name of the copyright owner. The Revisory Board is of the opinion, however, that the informality may be a variance in the copyright claim, in that it is usual for the editors and business managers to claim the copyright in college annuals. A letter questioning this variance should be written.
6. Tribune Publishing Co. (46626)--Class A. "Think Nothing of It" in Oakland Tribune June 29, 1941. The periodical contribution bears the notice "Copyright 1941 for the Tribune". The application gives the name of the copyright owner as the Tribune Publishing Co. Examiner sustained. The legal name of the copyright claimant is not in the notice. It does not identify which Tribune, and there are several.
7. Musebeck Shoe Co. (41018)--Class I. "Patent No. 1,916,198 (man's foot; rear view)" and "Patent No. 1,916,198 (woman's foot; rear view)". The only title appearing upon the deposit which is classed as a technical drawing is "Patent No. 1,916,198". There are two different drawings, each bearing this same title. One, however, represents a man's foot; and the other, a woman's foot. Each of the applications furnish descriptive titles. The deposit should be accepted as applied for, and entry made in class I, without further questioning the title "Patent No. 1, 916, 198", which appears upon them. The question of how they are to be recorded in the record books of this Office and the form of the certificate to be issued is a matter of policy to determine in the Record Section and is, therefore, not made a part of the Revisory Board's present action.
8. Johnson, Kline & Smyth (46188)--Class G. "Reproduction of Daniel Chester French's statue of Lincoln in the Lincoln Memorial." The copy bears the notice on its back:

J B. 2440.

© D.C.FRENCH.

On the base are two stickers, a square one giving the title of the work and adding "Designed by Daniel C. French." Immediately beneath this statement is in quotations "Copyrighted.", and immediately beneath the word "Copyrighted" is "Manufactured exclusively by The Jennings Bros. Mfg. Co. Bridgeport, Conn." The round sticker contains a copyright notice bearing only the name of The Jennings Bros. Mfg. Co., with the statement "Artware of Distinction." Mr. MacCarteney and Mr. Smith are of the opinion that the copyright notice is

acceptable for the registration of a copyright claim in the name of The Jennings Bros. Mfg. Co. Mrs. Brady, however, is of the opinion that the artist is the claimant, as shown by the notice, and not the manufacturer.

*Appeal. Since Mrs. Brady did not prepare memo. within 24-hr. period, work is passed for entry, following majority view. First on MP-784.*

The Following Five Cases Referring to Commercial Prints and Labels All Involve Practically the Same Set of Facts and Hence Result in the Same Divisions of Opinion in Each Case Between Members of the Revisory Board.

These works, it is understood, have been, or at least some of them have been, regularly registered as periodicals, but with the present issues the deposit consists of a single sheet thereby enabling them to fall under the classification of KK, because of the subject matter which they contain. Mrs. Brady and Mr. MacCarteney are of the opinion that the instructions contained in Circular 46 should be adhered to and registration made of these works as KK. Mr. Smith, however, is of the opinion that in the interpretation and application of the rules and instructions concerning KK material, there should not be such interpretation that might place this Office in a ridiculous position. He believes such is the case when a work that is regularly registered as a periodical is suddenly compelled to divorce itself from that classification and become KK material. To continue thus under such practice would cause certain works to jump back and forth. In other words, the fact that the work is issued periodically and has been registered as a periodical, the doubt whether the work is actually a commercial print because of certain subject matter appearing upon it should be resolved in favor of the applicant who has selected the "B" classification.

In the following four cases for which B applications were filed, the Examiner recommends KK. Mrs. Brady and Mr. MacCarteney sustain the Examiner. Mr. Smith contends the registration should be made as applied for.

9. Allen, Lane & Scott (44394)--Class . "Silicate P's & Q's", Vol. 21, No. 7, July, 1941.
10. Frick Co. (45497)--Class . "The Frick System", Vol. 12, No. 12, June-July, 1941.
11. Lancaster Press, Inc. (Deposit Account)--Class . "Temlok Dealer", Vol. 4, No. 3, June, 1941.
12. Shuron Optical Co., Inc. (46332)--Class . "The Shuron Shopman", Vol. 3, No. 2, Mar.-Apr., 1941, and "The Shuron Shopman", Vol. 3, No. 3, May-June, 1941.
13. Lavenson Bureau, The (46837)--Class . "Aldanack", Sept., Oct., Nov., & Dec., 1939 issues. The Examiner recommends that the work be registered as a periodical. Mr. Smith sustains the Examiner, while Mrs. Brady and Mr. MacCarteney, holding to their reasoning as indicated above, recommend registration for these issues be made upon Form KK.

MINUTES OF REVISORY BOARD  
COPYRIGHT OFFICE  
July 11, 1941

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The Revisory Board met at 10:30 and adjourned at 11:15 A.M.  
Those present were: Mr. Smith Mrs. Brady and Mr. MacCarteney.

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Total time consumed 45 mins.  
Unanimous decisions 4  
Divided opinions 1

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1. Moynihan & McKeown (47420)--Class A. "I Have Something For You." This material is similar to works deposited by the Bell Syndicate and the King Features Syndicate, in which publication was questioned in the form deposited, the material more than likely first being published in the form of periodical contributions. Reject and take the same action as in the previous cases, and then refer the material to the Register of Copyrights.
2. O'Brien, Clarence A. (Deposit Account)--Class A. "Identification Book." The work had been deposited at an earlier date and contained very little text matter and was rejected on the basis of being a blank form. At this time, however, a new work is deposited containing sufficient text matter and an application giving a later date of publication. Enter. *First on MP-705, 720*
3. New York Life Insurance Co. (46291)--Class A. "The Testimonial Letter" in "Nyllic Review", July, 1941. The copyright notice reads "Copyright 1941 NYLIC". This, it is understood, is the trade name for the New York Life Insurance Company. These initials are well identified on the copy, and according to two members of the Revisory Board these initials have been to them before as standing for the New York Life Insurance Company, the same as ASCAP is well-known in the music world. However, the claimant should be sent a letter advising the use of the full name upon future works in which a copyright claim is made.
4. Anderson, Edgar J. (46236)--Class K? "Fun on Wheels Motoring Games." The deposit consists of what appear to be reprints of periodical contributions contained in the Chicago Herald American. The several pages are stapled together and do not seem to represent a published work. If each page were deposited separately as a book or print, it might be rejected as a game or game board, but being a periodical contribution, it is believed that registration should be made for each work upon the deposit of the copy of the newspaper with application on Form A-5 and fee of \$2.00. The Revisory Board arrives at this conclusion on the same basis that the Office has accepted crossword puzzles and the like which have appeared in newspapers.
5. Watson, Cole, Grindle & Watson (42446)--Class A & KK. "Directions for Playing Snake Eyes." The attorney for the claimant states that

one thousand copies of the work in question were printed before it was decided to claim a copyright, whereupon, before the copies were ready for distribution in the usual channels of trade, a rubber stamp copyright notice was placed upon them. However, it is admitted that "a number of copies" inadvertently escaped the plant without stamping and further that these copies fell within the provisions of Section 20 of the Copyright Act. Mr. Smith is of the opinion that entry could be made due to the fact that the applicant is acting upon the advice of legal counsel in applying the provisions of Section 20 and that this Office need not insist upon further facts to determine whether Section 20 is applicable. Mrs. Brady and Mr. MacCarteney, however, believe that the attorney does not fully appreciate the true meaning and intent of Section 20, and, therefore, they would inquire for further information so that they might determine whether there has been an actual compliance with the provisions of the copyright law.

*After further consideration Mr. MacCarteney joins Mr. Smith -  
Inquire as to No. of copies distributed. - WHW - 7/16/44  
(See 'PUBLISHED'.)*

MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 14, 1941

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The Revisory Board met at 3:45 P.M. and adjourned at 4:15 P.M.  
Those present were: Mr. Smith, Mrs. Brady and Mr. MacCarteney.

Total time consumed, 30 mins.  
Unanimous decisions 2

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1. Wester, Lars Harry. (47704)--Class E. "Stand By America." Copy bears notice "Copyright by Lars Harry Wester" and immediately beneath is a statement "International Copyright Secured 1941." Examiner sustained, but send warning letter.
2. Gousha Co., H. M. (45646)--Class F. "Western New York - Northwestern Pennsylvania Touraide 1941 Edition" and 98 others. Deposits consist of maps bearing notice in the name of The H. M. Gousha Company, and text matter bearing notice in the name of Continental Oil Co. Enter applications of Gousha Co. for maps, but send material to Deposit Division for action in connection with Continental Oil Co., who have not as yet, it is understood, made entry of their respective copyright claims.

MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 15, 1941

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The Revisory Board met at 3:00 P.M. and adjourned at 4:00 P.M.  
Those present were: Mr. Smith, Mrs. Brady and Mr. MacCarteney.

Total time consumed, 1 hr.  
Unanimous decisions 5  
Divided opinions 1

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1. Turner, William Jay. (W.R. 37331)--Class F. "Path and Road Map of the Eastern Part of Mount Desert Island, Maine--Revised 1941." Deposit consists of a map bearing several year dates in the copyright notice, including the year date 1941 representing the year of publication of the present revised version of the map. Examiner would require explanation of the various dates in the notice. Revisory Board recommends entry as applied for.
2. Graf, Alois W., Esq. (32889 & 38759)--Class KK. "This Makes New Profits For You." Counsel for applicant furnishes a four page letter contending that this Office's interpretation of its rules and instructions in connection with prints and labels is wrong in that the work deposited by him should be classed as a book. The previous action of the print and label examiner and that of the Assistant Register of Copyrights, Mr. Howell, is sustained by the Revisory Board, which holds that the deposit falls under Class KK.
3. Jennewein, C. P. (46639)--Class (?). "Medal of the Flying Saint Joseph of Copertino." Deposit consists of a medal with two very small rings fastened to the sides for convenience in nailing the medal to a surface. The deposit bears a defective notice. Examiner would reject on this basis, and also that the material is subject to design patent. Revisory Board recommends that rejection be limited to the inadequate notice without reference to the question of a design patent.
4. Pagani, O. & Bros. (34830--refunded). "Percussion Technique - Vols. 3 & 4." The applicant admits in its correspondence that the work was published with inadequate notice, and at the request of the Chief Examiner the examiner's recommendation of rejection is sustained by the Revisory Board.
5. Wobensmith, Jas. C. (47296)--Class (?). "Welcome National Convention 1941 - BPO Elks." The deposit consists of a cloth streamer which can be hung across the face of a building, or extended from one side of a street to another, to publicise the Elks' Convention held in Philadelphia. The streamer is of unique design, and contains



pictorial matter. Consultation was had by Mr. Smith with Mr. Brehm, a design patent examiner of the Patent Office, who after listening to Mr. Smith's description of the work over the phone came to the conclusion that the work was subject to design patent. The Revisory Board has come to the conclusion that the applicant should be advised that his protection must be sought by design patent and that the deposit is not acceptable as a print in this Office. It is to be noted that the deposit is made up of several sections of cloth, or sections variously shaped, so as to give a unique design to the completed streamer. A gold yarn fringe borders the work.

6. Ultra Chemical Works, Inc. (43078)--Class KK. No titles. The applicant has deposited labels which have been distributed for the past two years to interested customers with their names imprinted thereon. The deposits in this Office instead of bearing the imprint of a customer have in that space the words "Your Name." Request had been made for labels as distributed, these labels bearing the name of one of the customers. The applicant is puzzled, and seems to be of the belief that it might be necessary to deposit the same identical label with each customer's name, with separate registrations required, and thus being puzzled feels that the application for the registration of the copyright claim should be withdrawn. Mr. MacCarteney and Mr. Smith are of the opinion that the deposits as filed should be accepted as published works. Mrs. Brady, however, is of the belief that these are proof copies and inquires, "Ask how published?". *Appeal.*  
*Copies represent edition distributed to Trade-Register-WHU.*  
*(See "PRINT OR LABEL")*

MINORITY MEMORANDUM

July 15, 1941

Remitter: Ultra Chemical Works, Inc. (43078)

Title: None

Question: Whether the labels deposited may be accepted as published.

The undersigned disagrees with the other two members of the Revisory Board in their opinion that the labels in question may be accepted as deposits.

The labels in question are designed for ultimate use on cans of No Rubbing Floor Wax as put on sale by various companies. There are three designs of these labels submitted to the Copyright Office by the Ultra Chemical Works, Inc., on June 16, with a letter stating: "The Labels were published in the last two years, with a notice of copyright thereon. They are used for Wax Polishes." This Office in correspondence dated June 20, called to the attention of the remitter that "the copies deposited are proof copies; that there is a space left for the name of the company to be placed on each of the labels; that the presumption is the labels as actually published necessarily bear the name of the company selling the floor wax. In other words, the deposits received for copyright are not the published labels, but samples used in soliciting orders. In replying to this letter, remitter says:

"One point is not quite clear to us, for which reason we are writing you this letter. You mentioned that the copies to be registered should have the names which will go on those blank spaces which we have mentioned 'your name.' It has been our belief that we could copy these labels, respectively the designs and use them for a number of our customers and each time imprint the respective name of the customer."

It is the opinion of the undersigned that this letter should be answered and the remitter directed as follows: To deposit copies of the label bearing the name of the first company which has used them on the cans of floor wax as sold to the general public. These copies must be accompanied by application forms KK giving the date of publication as the date when such company placed the cans of floor wax on sale with the name of the specific company in the spaces provided in the proof copies of the labels as deposited. The use of the same label by different companies would not destroy the copyright thus secured by

the Ultra Chemical Works, Inc., as the labels bear copyright notice in the name of that company. It will be well to call their attention again to the exact form of notice required by the copyright law.

H. C. BRADY

Copies represent edition distributed to trade for solicitation of orders. Not proof copies. Register. Order of Col. Bouvé.

W. R. W. Jr. 7-21-41

MINORITY MEMORANDUM

Reviser: Watson, Cole, Grindle & Watson (No. 42446)

Title: "Directions for Playing Snake Eyes"

Question: Has publication taken place without notice so as to throw the work in the public domain?

The attorney for the claimant states that one thousand copies of the work in question were printed before it was decided to claim a copyright, whereupon, before the copies were ready for distribution in the usual channels of trade, a rubber stamp copyright notice was placed upon them. However, it is admitted that "a number of copies" inadvertently escaped the plant without stamping and further that these copies fell within the provisions of Section 20 of the Copyright Act. Mr. Smith is of the opinion that entry could be made due to the fact that the applicant is acting upon the advice of legal counsel in applying the provisions of Section 20 and that this Office need not insist upon further facts to determine whether Section 20 is applicable. Mrs. Brady and Mr. MacCartney, however, believe that the attorney does not fully appreciate the true meaning and intent of Section 20, and, therefore, they would inquire for further information so that they might determine whether there has been an actual compliance with the provisions of the copyright law.

L. C. Smith  
Chairman, Revisory Board

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On reconsideration Mr. MacCartney joins with Mr. Smith, thus making this the majority opinion.

First inquire as to number of copies distributed without notice.

W. H. Wise 7/16/41

MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 17, 1941

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The Revisory Board met at 10:15 A.M. and adjourned at 11:00 A.M. Those present were: Mr. Smith, Mrs. Brady and Mr. MacCarteney.

Total time consumed, 45 mins.  
Unanimous decisions 4  
Divided decisions 1

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1. Summy, Clayton F., Co. (47389)--Class A. "The Pleasant Companion." The copies consist of a collection of early musical compositions to which it appears has been added a piano accompaniment. Preceding the musical compositions are several pages of text. The copyright notice does not appear upon the title page of the book but is separated by these pages of text and is placed upon the first page of the music. The examiner rejects as a book for lack of notice. The Revisory Board, however, contends (1) copyright is lost as to the text for it was published without notice; (2) if piano part is new registration can be made on E-1 limiting claim to the piano accompaniment; (3) "Alto Recorder," loose section which forms a part of the book but not attached thereto, cannot be deposited with the book, as that section contains nothing but music which is in the public domain and yet has a copyright notice placed upon it.
2. American Scandinavian Good-Will Magazine, Inc. (15551)--Class B. "American Scandinavian Good-Will Magazine, Vol. 1, No. 4, February 1941. Examiner sustained in recommending rejection for inadequate notice.
3. Country Press, Inc. (41223)--Class A. "Hooley Annual No. 11." Revisory Board overrules its decision of June 25, 1941, holding that this material was obscene, and after a consultation of Mr. Smith with the Solicitor General's office of the Post Office Dept., and after having given the copy further examination the Revisory Board is of the opinion that entry should be made. *Also see MR-7854 790*
4. Aitken, Beekman (Esq.) (47514)--Class KK (?). The deposit consists of many pages each containing the same pictorial matter, and only varying as to the blank form spaces provided for the baseball schedules. The work is not registrable as a book as there is not present any copyrightable compilation or text matter. Each individual sheet containing the same identical pictorial matter would be a commercial print, and therefore the material is referred to

the Print and Label Section for possible consideration. *First on 14 P. 758*

5. Tobin, Edgar, Aerial Surveys. (48004)--Class F. The deposit bears a paragraph of text matter in which instructions are given to licensees regarding the material, and ends with the statement: "This negative shall show our copyright. Our No. \_\_\_\_." Immediately beneath this paragraph is the name of the copyright claimant. Mr. MacCarteney contends that this is a good notice in that all of the necessary elements are present, while Mrs. Brady and Mr. Smith sustain the examiner, holding that there has been no conformity with the statute as regards the notice. *Notice acceptable-order C.L.B-7-21-41*  
*(SEE "NOTICE")*

MAJORITY MEMORANDUM

July 17, 1941

Remitter: Edgar Tobin Aerial Surveys (48004)

Title: "Somervell County, Texas. Ownership Map."

Question: Does the deposit bear an adequate notice?

The deposit bears a paragraph of text matter in which instructions are given to licensees regarding the material, and ends with the statement: "This negative shall show our copyright. Our No. \_\_\_\_\_." Immediately beneath this paragraph is the name of the copyright claimant. Mr. MacCartney contends that this is a good notice in that all of the necessary elements are present, while Mrs. Brady and Mr. Smith sustain the examiner, holding that there has been no conformity with the statute as regards the notice.

L. C. SMITH  
Chairman of the Revisory Board

Notice of copyright acceptable. Register. Order of Col. Board.

H. H. W. Jr. 7-21-41

MINORITY MEMORANDUM

July 17, 1941

Remitter: Edgar Tobin Aerial Surveys (48004)

Title: "Somervell County, Texas. Ownership Map."

Question: Does the deposit bear an adequate notice?

Mr. Smith in his "Majority Memorandum" truly states that the deposit bears a paragraph of text matter in which instructions are given to licensees for the use of the map. But at the end of the paragraph the following statement is made: "the right to use or reproduce ... this map, is reserved exclusively to the undersigned. Maps reproduced from this negative shall show our copyright. Our No. \_\_\_\_\_ Edgar Tobin Aerial Surveys."

Mr. MacCarteney submits that no one could possibly question who was claiming the copyright in this map. Moreover, the statutory elements are all here, including the word "Copyright" and the full legal name of the copyright owner. The purpose of the copyright notice is to advise the public who is claiming the copyright. This purpose in the instant case is accomplished. That there is extraneous text in addition to the elements of the copyright notice is, Mr. MacCarteney believes, immaterial. The notice as occurring at the end of the paragraph of text is an integral notice containing the statutory elements. He believes that there has been sufficient compliance with the provisions as to notice and is for entry as applied for.

Respectfully,

R. S. MACCARTENEY  
Member of the Board

Notice of copyright acceptable. Register. Order of Col. Board.

W. H. W. Jr. 7-21-41



MINORITY MEMORANDUM

July 19, 1941

Sender: Hardware Printing Co. (No Fee)

Title: Handy Household Expense Record

Question: Registration of book of blank forms because of small amount of text matter entitled "Instructions."

The deposit under discussion is a book of blank forms, a budget book which is designed to contain the expense accounts of an ordinary household for a year. In other words, there are twelve identical blank forms, one for each month, and two supplemental blank forms provided for annual totals. On the preliminary page, which properly contains a notice of copyright, there is found a paragraph of instructions indispensable to the use of the blank forms, but not in the opinion of the undersigned "a book" in the meaning and intent of the law. This text is of value only as a part of the publication of blank forms. The copyrightability of blank forms has been the subject matter of court decisions in a number of cases, and the courts have invariably held that blank forms are not subject matter of copyright. This Office in the past occasionally accepted such publications for registration. This practice has been abandoned since the establishment of an examining board. All of the cases that have come before the Revisionary Board where the deposits were possibly of doubtful nature they have been rejected. In one case only which came up in November, 1939, the deposit was passed for entry because it contained a very substantial percentage of actual text matter aside from instructions, and was the revision of a previously copyrighted work. In the instant case, the undersigned is of the opinion that the amount of text matter and its nature precludes its acceptance as "a book".

W. C. BRADY

A book of blank forms. Write in first instance rejecting the work. Ordered after consultation with Col. Houvé. W.R.W. 7-25-41

MINORITY MEMORANDUM

July 19, 1941

Remitter: National Cash Register Co. (No fee)

Title: "The Weaknesses of Unprotected Written Records" & 2 others.

Question: Whether corrective entries should be made.

The undersigned disagrees with Mr. Smith and Mr. MacCartney that a corrective entry should be made for the deposits which are the subject of this memorandum. She is of the opinion that before these corrective entries are placed upon the record as requested in the letter herewith from the remitter, the National Cash Register Co., that this company should be made fully cognizant of the facts in the case, as follows:

The applications filed with the films by the Jam Handy Picture Service followed the procedure instituted in this Office in 1938 by the Register of Copyrights, the Assistant Register and Mr. DeWolf. This procedure was to differentiate such films as the ones under discussion, describing them as either "a talking slide film" or "a reading slide film". At that time, 1938, a thorough survey was made of these two types of films as sent in by several companies, and it was found that those on which text was printed were duplicated by identical deposits as to the picture elements but with the text omitted. Such deposits as were made without the text were accompanied by the same text as found in the other films, in lecture form, accompanied by applications for registration of the text as "lectures". It was explained by the remitters at that time that these lectures were put upon phonograph records which were used when the films were displayed, in such films that had no text incorporated in themselves. The determination at that time was that the type of film on which the text appeared would be designated as "reading slide film," and those which were accompanied by the phonograph records would be described as "talking slide films," and this manner of differentiation has been followed by all depositors of such works since that date, 1938. Therefore, it is the opinion of this member of the Revisory Board that such explanation should be made to the company whose request for corrective entries is under discussion.

W. C. BRADY

First write and explain purpose of statement "(a talking slide film)"  
Before proceeding with corrective entries. Ordered after consultation  
with Col. Bouré. W.H.E. 7-25-41

MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 19, 1941

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The Revisory Board met at 11:15 A.M. and adjourned at 12:00 Noon.  
Those present were: Mr. Smith, Mrs. Brady and Mr. MacCarteney.

Total time consumed, 45 mins.  
Unanimous opinions, 6  
Divided opinions, 5

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1. Merrimade, Inc. (48019)--Class KK. "Via Airpost; Par Avion; Correo Aereo." The deposit consists of an envelope having a decorative border design in red, white and blue, for use in air mail, and contains textual information as to the price of envelopes in quantities. Examiner sustained. Register as KK material.
2. Adams, Clifford L. (32068)--Class I-2 (?). "Swing It." Material consists in the drawing of a gameboard. In view of the doubtful character of the work, and the absence of any reply to this Office's letter requesting an I-2 application, the Revisory Board recommends refund of the \$2.00 fee remaining to credit of applicant.
3. Comet Model Airplane & Supply Co. (43314)--Class (?). "Interceptor; Class "A" Wing & Tail; Class "B" Wing, Tail & Body. Kit No. TL4." Deposit contains a number of reproductions of familiar railroad signs. Some of the reproductions are repeated several times upon the card. The Revisory Board contends that the work contains no original authorship, and thereby sustains the Examiner who rejects the work either as KK or as I-1.
4. Seale, Roy Q. (47107)--Class I-2. "Course Plotting Sheet (Aerial Navigation)." The Examiner recommends rejection on the basis that the work does not represent a technical drawing. However, search discloses that the same identical work in manuscript form was registered as an unpublished technical drawing. The copyrightability of the material may be deemed doubtful, but the benefit of the doubt should be resolved in favor of the applicant, in view of the unpublished registration and the requirement of the law that when copyright has been secured in an unpublished work, which is subsequently published with the notice, deposit of two copies of the published work must be made.
5. Houston Engineers Club (48568)--Class A. "Membership List." The copyright notice is at the bottom of the page following the title page, and contains only the words "Copyright 1941." At the head of the page, separated by the phone number and address of the claimant, and a triangular printer's mark, is the name of the copyright claimant. The name is thus too far

separated from the notice, and therefore the Examiner is upheld that the notice is a defective one.

6. Coble, Constance Jane (46917)--Class (?). "Drink-O-Meter." Examiner would reject deposit as a G-2, which consists of a drawing of a thermometer with various cocktail glasses along the scale, each cocktail glass named after a particular drink. The Examiner does suggest, however, that the work can be registered as a "K" after publication with notice. The Revisory Board holds that the rejection should be limited to the fact that the work is not a work of art, and no reference should be made in the correspondence to the possibility that the work could be claimed as a print after publication.
7. American Social Hygiene Association (42627--refunded)--Class M. "In Defense of the Nation." The copyright notice upon the motion picture film deposited is held to be inadequate by Mrs. Brady and Mr. Smith, in that the notice lacks the name of the copyright owner, while Mr. MacCarteney contends that in the case of a motion picture the law is silent as to the form of the notice, and the fact that the word "Copyright" and the year date appear upon the film copyright has been secured. The copyright notice appears at the end of the film, while the name of the copyright claimant appears at the beginning. *Also on MP 810.*
8. National Cash Register Co. (No Fee)--Class J-2. "The Weaknesses of Unprotected Written Records", & 2 others. In previous correspondence this Office suggested that corrective entries might be made with reference to three works which had been identified as "talking slide films," when the correct description of them should have been "a slide film to be used with a separate reproducing phonograph record." Mr. MacCarteney and Mr. Smith agree with the Examiner that in the first instance it may not have been proper to suggest corrective entries as it does not seem that they are necessary, but do not agree with her that they should now be refused after the applicant has complied with the Office instructions. Mrs. Brady, however, contends that if corrective entries should not have been suggested in the first instance, then they should be refused now even though the necessary applications, fee and copies are in the Office with which to make the corrective entry. *Appeal Request Explanation first as to purpose of statement "a talking slide film" - order C.L.B. (SEE "SLIDE FILM") Also MP 834.*
9. Hardware Printing Co. (No Fee)--Class A-1. "Handy Household Expense Record." The book consists of blank forms except for the first page, which contains a short paragraph of instructions immediately beneath which there is placed the copyright notice. Mr. MacCarteney and Mr. Smith contend that the notice refers to the page of text matter and the work should be entered. Mrs. Brady, however, holds that the deposit is actually a book of blank forms and as such should be rejected. *A book of blank forms - Reject. - WHW - (SEE "BLANK FORM")*
10. Allen, Thornton W. (40361)--Class E. "University of Maryland Songs." The deposit consists of a collection of approximately a dozen songs, each of which bears a copyright notice, and some of which are being published for the first time. The Examiner recommends that in the

case of those songs now being published for the first time with the copyright notice separate registrations should be made. Mrs. Brady and Mr. Smith support the Examiner in that regard. Mr. MacCarteney contends that the notice appearing upon the first song is sufficient under the law to represent a copyright notice applying to the whole collection and registration should accordingly be made for the collection as a single work with Class E application.

11. Aitken, Beekman (Esq.) (47514)--Class (?). "Baseball's Immortals." The deposit consists of a number of pages fastened together by metal strips. On each page is duplicated the same print, which standing alone would be a commercial print. The pages differ, however, in that there is given a baseball schedule for the day, with blank spaces for filling in the score. This schedule and blank form of course are not subject to copyright, and in view of this the only copyrightable matter is the print, the copyright notice for which is at the bottom of each page (separated from the print itself). The work is not subject to registration as a "book" as there is no original authorship involved in the getting together with the baseball schedule. The work is not subject to copyright as a print because the copyright notice is not in the proximity of the print. The work is not subject to copyright as a commercial print, in that it is made up of a number of sheets. Mrs. Brady and Mr. Smith thus hold with the views of the Examiners; while Mr. MacCarteney contends that the work is essentially a "single print," merely duplicated on each page, and that the applicant should make registration for the work in Class K. *Also on MP-810.*

MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 22, 1941

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The Revisory Board met at 10:30 A.M. and adjourned at 11:45 A.M. Those present were: Mr. Smith, Mrs. Brady and Mr. MacCarteney.

Total time consumed, 1 hr. 15 mins.  
Unanimous decisions, 7  
Divided decisions, 1

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At this Revisory Board meeting there was discussed the memorandum of Colonel Bouvé of July 19, regarding corrective entries, and the following procedure was approved for carrying into effect that memorandum--

- (a) Material in first instance to be forwarded to Mrs. Rafter to gather all factual data for the consideration of the Board.
- (b) In the event that Mrs. Rafter does not agree with the request for a corrective entry, she will, before search, take the matter before the Revisory Board to determine this point.

This procedure was approved by the members of the Revisory Board, Mr. Smith, Mrs. Brady and Mr. MacCarteney, and chief examiner, Mrs. Rafter.

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1. Chabaya, Joseph (48253)--Class (?). "Regular Cream of Corn." The deposit consists of photostat of three ears of corn, with the statement beneath it, "Regular Cream of Corn - Specially Blended, Sized for Uniformity, Heat Treated." A heavy black border is at the top and at the bottom of the photostat. The applicant has been advised that an unpublished KK is not subject to copyright, whereupon he replies that registration should then be made for the work as a design or a work of technical character. Reject. Held not to be subject matter falling under Class G, I, or KK.
2. Louisiana State University Press (Deposit Acct.)--Class A-3. "Histoire de la Louisiane Francaise." The book was printed and bound abroad, and is the work of a foreign author now residing in this country. Further information should be obtained to determine where the author was domiciled at the time of first publication of the book, and if copies were first published in France or in this country bearing the copyright notice. *Also M.P-870.*
3. Arce, Jose Maria (39578)--Class A-3. "Conversación Espanola." The book was manufactured abroad, but in the correspondence accompanying

this case, the author states:

"The determining question is, according to your statement, 'whether you are domiciled in the United States, or whether you are merely here for the summer or term to conduct courses of study in Spanish?' To this question I answer that I am a resident of the United States and that I hold the rank of full professor in the faculty of Dartmouth College. As such, I could well be considered, for purposes of registration, a citizen of the country, but this is a point of interpretation which is not within my province to decide."

I would appear from this statement that he is legally domiciled, and he should be so advised that because of such legal domicile he has denied himself the right to claim copyright to his work by having it manufactured outside the limits of the United States. *First on MP, 790*

4. Green, Harold E. (41578)--Class B. "Masque & Gavel - Spring 1941." The applicant is in doubt as to whose name should appear in the copyright notice. It should be explained that only the legal owner should appear in the copyright notice, and if he is in doubt as regarding this status, it is advisable that he secure advice from competent legal counsel in his community to determine who is actually the true legal owner of the work involved.
5. Crofts, F. S. & Co., Inc. (33575)--Class A. "Principles of Economics. 4th Ed." The examiner questioned whether the work was published. The applicant replies--"These copies are actually the same as published and sold." Enter as applied for.
6. American Social Hygiene Association (42627--refunded). Class M. "In Defense of the Nation." Reconsideration. Mr. MacCarteney joins with the majority view of the Revisory Board of July 19, 1941, and holds that the work was published without the name of the copyright claimant in the notice.
7. Aitken, Beekman (Esq.) (47514)--Class (?). "Baseballs' Immortals." Reconsideration. Mrs. Brady and Mr. Smith join with the minority view of the Revisory Board of July 19, 1941, and hold that the work is essentially a single print and should be accepted under Class KK as a commercial print.
8. Rippey, John D. (46368)--Class A. "Cross Out." Mr. MacCarteney and Mr. Smith are of the opinion that publication should not be questioned in connection with this deposit, in view of the statement by the applicant's attorney, that "Copies of the book have been distributed to the public--to more than one person--in an unrestricted manner, as explained in Weil Copyright Law, pages 123 to 125." Mrs. Brady contends, however, that publication should be further questioned. *Appeal. Accept Statement of Publication - ordered by C.L.B. - (SEE "PUBLISHED")*

MINORITY MEMORANDUM

July 22, 1941

Resitter: Rippey, John D. Esq. (46368)

Title: "Cross Out"

Question: Publication as a book of this heterogeneous collection of pages of advertising matter.

The undersigned is of the opinion that the deposit in question, entitled "Cross Out," does not present any of the characteristics of a book intended for publication, but that it is a sales plan designed to solicit special prospects to use "Cross Out" as an advertising medium. It is also her opinion that the letter dated July 14, 1941, signed by John D. Rippey, attorney for claimant, requires further consideration by this Office. In this letter, Mr. Rippey states: "Copies of the book have been distributed to the 'public' -- to more than one person -- in an unrestricted manner." He then says that the question of the manner and extent of distribution of copies is believed to be unimportant and irrelevant, and in the next sentence he infers that the loose leaf binder used for the sheets is the reason for the refusal of registration in this Office. He does not, however, reply to that part of the Copyright Office letter which demands an explanation as to the "heterogeneous character of the material" included in the loose leaf binder, which material is of course the reason for the rejection of the work. Mr. Rippey's final dictum is that the author states that the material was prepared for distribution to the public as a single unit in the form deposited, and in view of the foregoing he expects copyright registration. It is inconceivable that there should be a public interested in this so-called book in the form deposited. The deposit consists of the following items: A title page, numbered 1, with title "Cross Out" in an acrostic arrangement at top, followed by the statutory notice, and then a facsimile of a "Cross Out" game marked "Patent 2124136" and "Copyright 1937 by L. L. Bugg." At the bottom of the page is the following statement: "Because Cross Out has such a varied arrangement, and its mathematical processes are so unique, its commercial value is unlimited." Page 2 contains a lithographed facsimile of Letters Patent granted to Loyal L. Bugg for his game "Cross Out", No. 2124136, following which is a copy of the specification with claims and drawing referring to such patent (any one may obtain a similar copy of the specification, claims and drawing upon payment of a small sum). Then follow pages 3 to 18 which contain the conglomeration applied for as a book. On page 3 there are lithographed replicas of: (1) An official envelope from the Copyright Office addressed to Rippey & Cassidy, St. Louis, Mo.; (2) Lithographed replicas of both sides of a certificate of copyright issued to Loyal L. Bugg, Farmington, Mo., for a book entitled "Cross Out", publication



date August 20, 1937, etc.

Pages 4 to 18 contain detailed descriptions of the principles of the game, illustrated by the various types of boards which may be used in playing. After page 18 are twelve unnumbered heavy cardboard sheets of various sizes. Each sheet contains a disk which revolves on a circle. The circles are numbered around the outer edge, 0 to 99. The revolving disks have small pointers with black tips and are spaced at irregular intervals on the outer edge. There are twelve of these disks and they are numbered in ink in the following sequences: 1 to 5; 1 to 5; and 1 to 2. The purpose of the repetition of these sheets may be explained by the slight variances found in the number of pointers on the edges of each disk. After the unnumbered sheets containing the disks there are numbered pages 19 to 27, containing further descriptions and explanations of how to play the game, and more replicas of the "Cross Out" boards, several of the letter bearing notices of copyright 1937 and 1941. These appear to be replicas of the boards as published and republished in newspapers. On the back of page 21 are four photostatic copies of advertisements originally appearing in newspapers or magazines. These advertisements concern various unrelated subjects--an advertisement for a moving picture; a print of a boy and girl ordering two Coca Colas; an Armour's STAR ham, pictured as cooked and sliced; and the fourth offering a cash prize toward purchasing a Ford, this headed "Your choice (of one of these items FREE) if five numbers cross out in a row, down, across or diagonally." Opposite this, on page 22, are two photostatic reproductions of match switches made by the Match Corp. of America, advertising: "Photostats - Brady Drake Photo Copy Co., St. Louis, Mo." To these switches are attached "Cross Out" puzzles, marked "Copyright 1937 by L. L. Bugg. Patent No. 2124136."

The next group of material, as indicated on page 28, consists of (1) Advertiser's Brief--four typewritten sheets describing the game "Cross Out" as an irresistible advertising medium; (2) Attorney's Brief--several pages of type-written argument demonstrating that "Cross Out" is free from all taint of suspicion as a lottery or gambling device; and (3) Important Letters--six pages of photostatic copies of correspondence conducted by T. R. Curtis, Esq., attorney for Mr. Bugg. This correspondence is between Mr. Curtis and the Department of Postal Inspectors, St. Louis, Mo., and with Mr. Reed T. Rollo, National Press Bldg., Washington, D. C., endeavoring to interest him in "Cross Out" for use over the radio. Mr. Rollo has wide interests in radio broadcasting, and Mr. Curtis in his letter is recommending "Cross Out" as an excellent radio program. The last paragraph of his letter reads as follows:

"I cannot see how the plan that we outlined for "Cross Out" on the radio would not be subject to any objection or in any manner could possibly become a public nuisance. The game is an interesting one. It is fun to win something by chance. The advertiser gives the public this and in return has his advertisement read. There in a nut shell is what Mr. Bugg has to sell the advertiser."

All the pages comprising this work (with the exception of the Patent Office copy of the specification of the patent referred to, and the material following page 28) are of manilla cardboard.

There is no evidence whatever of publication offered by this deposit in itself. On the contrary, it is obviously an advertising plan incapable of publication, and the attorney's letter to this Office requires a careful analysis and reply and not an unjustifiable surrender.

W. C. BRADY

Accept statement of publication. Ordered after consultation with Register of Copyrights. W.S.W. 7/31/41

MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 24, 1941

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The Revisory Board met at 9:00 A.M. and adjourned at 10:30 A.M. For the purpose of considering corrective entries, the Board consisted of the following members: Mr. Smith, Chairman, Mrs. Brady, Mr. MacCarteney and Mrs. Rafter. For other matters, the Board consisted of Mr. Smith, Mrs. Brady and Mr. MacCarteney.

Total time consumed, 1 hr. 30 mins.  
Unanimous decisions, 12  
Divided decisions, 1

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Corrective entries considered--

1. American Institute of the City of New York (No Fee)--Class B. "Science Observer - October 1940 and November 1940 issues." Suggest corrective entry be made when the original application furnished the wrong date of publication. *Also MP 823.*
2. Carleton, Bob (No Fee)--Class E<sup>2</sup>. "I Am Stealing Bliss From Heaven." Suggest corrective entry be made when the original application incorrectly gives the first name of the copyright claimant (who is also the author of the words).
3. Fischer, Carl Inc. (No Fee)--Class E<sup>1</sup>. "The Ringing of the Bells." Corrective entry will be made when the original application furnished the wrong date of publication.
4. Zurn, Lou Lord (No Fee)--Class E<sup>2</sup>. "What We Stand Ford." The application as originally filed by the agent of the copyright owner furnished only the temporary address of this copyright owner. The copyright owner now requests that his permanent address appear upon the record. No corrective entry required, as the matter can be taken care of by an appropriate cross reference card in the general index.

Usual Revisory Board business (other than corrective entries)--

5. Wee Wisdom Magazine (49109)--Class A<sup>5</sup>. "The Deal" 2nd part, in "Wee Wisdom Magazine" August 1941. This periodical contribution was in two parts. The position of the copyright notice in the July issue was acceptable and entry made of that instalment. In the case of the second part of the story, appearing in the August issue, the copyright notice appears on the second page of the contribution close to two prints illustrating the story; that is, on the page immediately following the title page of the periodical contribution.

The Examination rejects the application on the position of this notice. The Revisory Board contends that the appearance of the copyright notice on the reverse side of the title page complies with Section 19 of the law, which reads in part--

"That the notice of copyright shall be applied, in the case of a book or other printed publication, upon its title-page or the page immediately following..."

The Board recommends entry of part two of this story, but suggests that the applicant be advised that in the future it is best to place the notice immediately under the title of the periodical contribution."

6. Holt, Wm. B. (No Fee)--Class A. "6<sup>o</sup>/o First Trust Deed Mortgages." The Examiner would reject in that the name of the copyright claimant is not given in the notice. The notice reads as follows-- (Wm. B. Holt is written in the form of long hand) --

"Wm. B. Holt

Corporation Building  
724 South Spring Street  
Los Angeles, California  
VAndike 5371

Copyright July, 1941

We offer the highest bank references."

No application has been filed, but it would appear from the letter requesting registration that Wm. B. Holt is the copyright owner, and in that case the notice is acceptable. Application, fee and required copy should be requested.

7. Goodspeeds (49377)--Class A. "Riverside County." The deposit is stapled together and folded similarly to a large sized railroad time-table, so when folded so as to fit one's pocket, the last page of the book becomes the proper page to use as the title page of the book. This has been done in the present case. The notice appears immediately on the reverse of the title page. The Examiner would reject on the basis that the notice is on the last page of the book. The Revisory Board contends that the notice is on the reverse of the title page, and recommends entry as applied for.
8. Jobs and Careers (48104)--Class A<sup>5</sup>. "I Want To Be A Machinist." The deposit consists of a reprint of two instalments of a periodical contribution. It appears that in addition to the reprint there is possibly some new matter. The Examiner merely recommends that registration should be made for the work as first published, by applying for registration upon application form A-5. The Examiner is sustained in this regard if these works were first published with the correct

copyright notice and have not already been registered. However, it is also to be pointed out to the applicant that if the present deposit contains any new matter, registration should be made of the copyright claim to it by the filing of application form A-2.

9. Graham, Bothwella (32995)--Class D<sup>1</sup>. "A Vision of the New America." The deposit is a pageant, which contains a cast of characters, a synopsis of the work, followed by the dialogue used in each of the acts and scenes, with such other descriptive matters required to identify the particular scenes. The Examiner first requested a D-1 application, but upon its receipt further consideration was given to it in the Examining Section by the Chief Examiner, and it was determined that an A-1 form should have been requested. While it may be doubtful that the deposit represents an actual dramatic composition, the Revisory Board is of the opinion that the presence of the dialogue and dramatic element justifies their recommending that the work be registered under the category of a dramatic composition as first suggested by this Office. This doubt is especially resolved in favor of the applicant because of the broader protection secured under the law for a dramatic composition.
10. Evans, Victor J. & Co. (40355)--Class (?). "Forbes Field Aunt Mimie's Dipsy Doodle." The deposit is a photograph of what might represent a gameboard, or the drawing of a gameboard (nothing which the applicant submits advises this Office that it is a gameboard). The applicant first submitted a K application. The work was rejected as a print and the fee refunded. The applicant, Timothy Clark, acting through his attorney, now requests registration of the work as a photograph, believing that this can be done because a photographic process is used in reproducing the drawing. While the work was prepared by photographic process, it is not a photograph as understood by this Office, as there was no creative element on the part of the photographer--it was purely the result of a mechanical process. The application upon J-1 should be rejected, and no suggestion should be made in the correspondence that the work might possibly be registered as an unpublished drawing, as the applicant has already admitted that the work is a published one. *Also MP 835; 838*
11. Cornejo, Rodolfo (49794)--Class A<sup>1</sup>. "Cross Country Race - Instructions and Illustrations." The deposit consists of two pages of unpublished drawings, one the gameboard, and the other the parts of the game used in connection with the plays upon the gameboard, in addition to a typewritten third page which furnishes the instructions for playing the game. The Examiner would reject merely as an unpublished work. The Board goes further, in recommending that a letter should be written that a gameboard is not copyrightable, but that the instructions for playing the game are subject to copyright upon their publication with the copyright notice.
12. Fetherstonhaugh & Co. (46861)--Class (?). "Chart for Teaching International Morse Code Comprising the Letters of the Alphabet ..."

The deposit consists of the usual printed letters of the alphabet, each letter being so drawn that it contains that letter's symbol of the Morse code. The Revisory Board sustains the Examiner in her rejection of the alphabet combined with the Morse code as subject matter of copyright, as it does not constitute an "original" writing of an author.

13. Van Meter, John Milton (43954)--Class A<sup>1</sup>. "A Stimulating Sales Plan." The deposit consists of a sheet, the upper portion containing text reproduced from type set, to which is stapled two cards which reproduce upon them the same text found upon the sheet. The text matter upon the cards and the text matter upon the sheet both bear a copyright notice. On the lower portion of the sheet is a typewritten explanation of the sales plan, in which the particular cards form an important part. Upon rejection of the applicant's original application upon the basis that the work was not published, and further that there was no copyright for a plan or idea, the applicant replied to this Office that he understands that he is not securing any copyright to the plan or idea, but that he does want to prevent people from reproducing his expression of the idea by using the text matter found upon the deposit submitted. He points out that, "Copies like those filed with you are available and for sale." From this statement and the remainder of his letter, Mr. MacCarteney and Mr. Smith think publication has taken place and that the applicant is entitled to registration of his copyright claim. Mrs. Brady, however, is of the belief that a very limited distribution has taken place and not enough to justify registration under the copyright law, and therefore rejects the application. *Also MP 830.*

MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 25, 1941

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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, 1 hr.  
Unanimous decisions, 6

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1. Manship, Paul (Fee returned)--Class G<sup>2</sup>. "Zodiac Bird Bath" & "Garden of Eden Sundial." The works upon which copyright is claimed are two beautiful pieces of sculpture by Paul Manship: one an artistic representation of a bird bath, and the other a sundial. On three separate occasions the Examiner held these works to be articles of utility, and suggested protection by means of design patent, having refused to accept the deposits as works of art. Twice the applicant has replied to the Office's correspondence and endeavored to point out that these were truly works of art. The material is now brought to the attention of the Revisory Board, and it comes to but one conclusion that these works should have been in the first instance accepted as works of art. The works were created that they might be enjoyed from an esthetic sense and not a utilitarian.
2. Meadow, Noel (49965)--Class A. "V is for Victory." The deposit consists of a small amount of text matter, beneath which is a large letter "V" which is superimposed upon the word "Victory". The text matter refers to this "V" as an emblem, and encourages its use. The Examiner states that the deposit does not contain any copyright subject matter. The Board holds that the emblem "V" is not copyrightable, but the text matter is copyrightable after it has been published with the copyright notice, and the applicant should so be advised.
3. Hill, Wycliffe A. (Fee returned)--Class A. The Examiner would again reject as a device the work described by the applicant. The applicant, however, points out that he plans to prepare the work without any movable parts which require manipulation, in that he is to publish it as the printed chart which he registered under No. AA-369899. Accordingly, he should be advised that this can be done, and after the publication of his chart registration will be made of his copyright claim. (Title: Race Players Little Robot).
4. Bogue (Robt. E. Lee) (49280)--Class (?). The deposit consists of a simple drawing of the French dial type telephone, with a separate illustration of the dial removed. The drawings are very sketchy and

do not represent anything more than what might be accomplished by almost any one attempting to make the same sketch. Some doubt arises whether the work might be considered as a technical drawing. However, the applicant has filed an application in which he makes a claim to this drawing as a work of art. Rejection should be made on the basis that it is not a work of art, without suggesting however the possibilities of any other class. It should be further explained that no copyright can be obtained to the "idea" of using plastic substance for a telephone dial, which it appears is the protection sought by the applicant.

5. York, Albert Lee (32365 & 40764)--Class A. "Trust Estate Code Prospectus" and "Liquid Investments." The deposit consists of two separate booklets, each bearing their own individual copyright notice. The Examiner is doubtful whether these are two separate works, in that they may possibly be published as a single unit. It is to be noted, however, that this Office in its letter of June 25 stated to the applicant: "It must be explained primarily that since these are two separate publications each would require a separate application ..." Accordingly, the applicant filed two applications, and it does not seem necessary at this time to raise the question whether the deposits represent two publications or a single work. The Office's correspondence should therefore be limited to the informalities which exist in the applications, and upon the receipt of two correctly filled in applications registration should be made for the copyright claims to the deposits.
6. Mazer, Joseph (25759 & 34468)--Class A. "Rules for Treasure Hunt." The deposits consist of (1) the first edition of a set of "Rules for Treasure Hunt," which appear on the inside of lid of the box containing the game; and (2) a revised edition of the rules containing new matter, published on a single sheet of paper, the back of which is covered with adhesive, probably for the purpose of attaching the rules to the game or the container in which it is marketed. In the case of (1) the applicant should be advised to file two copies of the best edition, that is, the complete box, lid and bottom; while in the case of deposit (2) entry should be made as applied for upon application form A-2.



MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 26, 1941

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

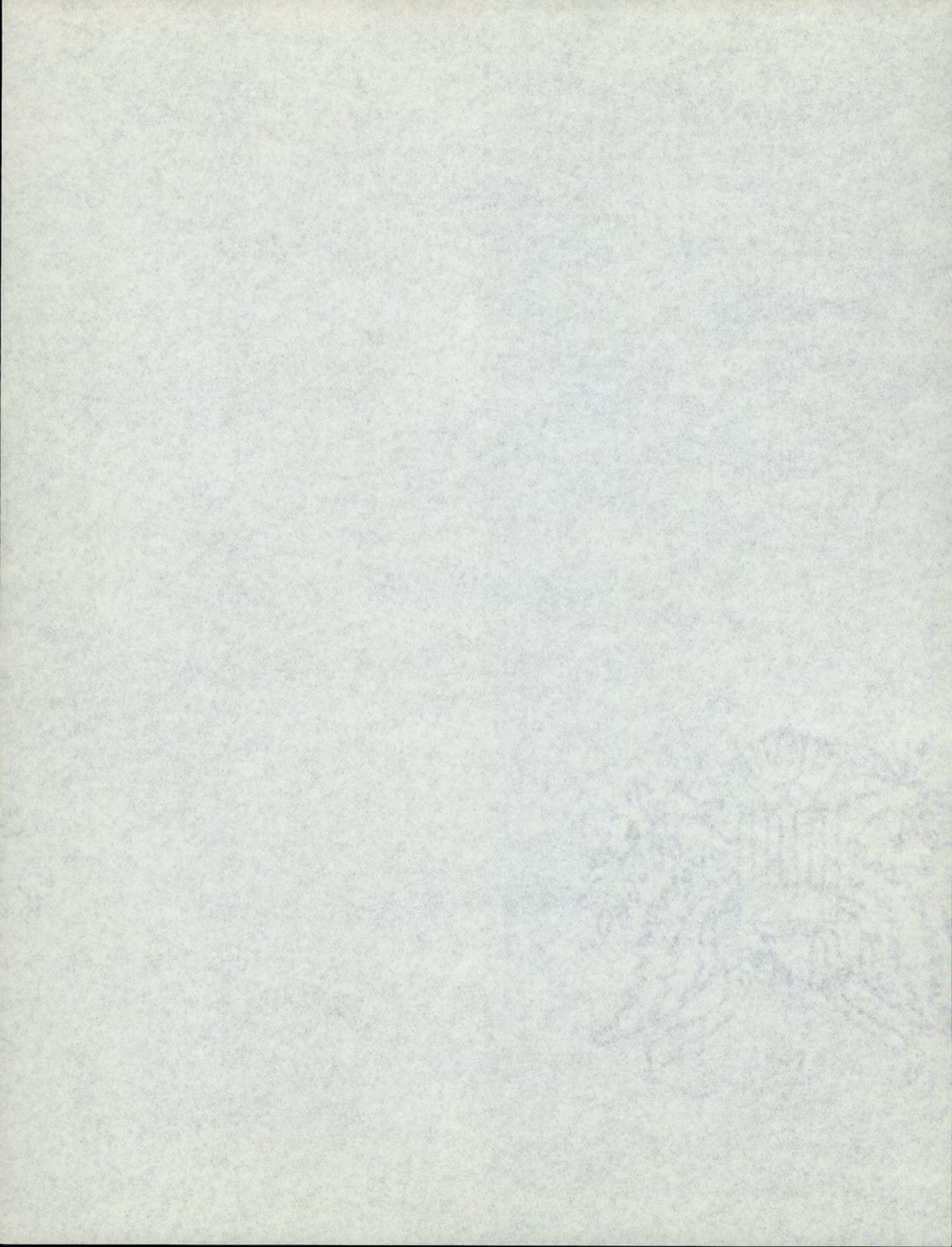
Total time consumed, 1 hr.  
Unanimous decisions 8

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1. Mellin, Oscar A. (No. 49817)--Class (?). "Fachial Molding Technique" & 1 other. The Examiner rejects the deposits as "books" because the notice contains C within a circle, but suggests registration as technical drawings. There is a possibility that the works are commercial prints, and hence the material is referred to the Print & Label Section for consideration.
2. Goldberg, Irving H. (Atty.) (50291)--Class M<sup>2</sup>. "The Eternal Gift." The Examiner questions the authorship of the motion picture (the application gives: Rev. Hugh Calkins, O.S.M. and the Servite Fathers), and suggests that the copyright claimant might act as the author. A further question is also raised as to whether photographs taken from the motion picture film are acceptable as "prints." The work should be entered as applied for, as it is not necessary to question the authorship under the circumstances, and further the photographs will be acceptable as "prints."
3. Willcox, George B. (Esq.) (50698)--Class KK. "Cutterlog." The Examiner was doubtful whether an envelope which is to contain a trade catalog, which envelope bears an illustration of one of the articles manufactured by the copyright claimant, is KK material. He recommends that classification, but suggests that the Revisory Board pass upon his selection. The Revisory Board sustains the Examiner.
4. Textile Machine Works (42258)--Class KK. "Berkshire Color & Style Chart for Fall 1941" & 1 other. The applicant questions the placing of his works by this Office under the classification KK rather than that of "book." The deposits are nevertheless KK material, as they conform to the requirements set up by this Office and contained in circular 46. While it is true that in the past, especially before July 1, 1940, material similar to the present deposits were placed under the classification of "book," the present practice requires that works which advertise an article of manufacture and consist of a single sheet containing text and pictorial material be

considered as KK material, with the possible exception recently made in the case of "periodicals."

5. Cole, M. M. Publishing Co. (49099)--Class E<sup>1</sup>. "Marchéta." The copy bears the following notices: "Copyright 1913 by the John Franklin Music Co., N.Y. Copyright renewed 1940 by Victor Schertzinger Copyright assigned 1940 to M. M. Cole Publishing Co., Chicago, Ill." The application form E-1 is filed which refers to the new matter consisting of "Dance orchestration with words." The date of publication is given as July 15, 1941. The Examiner is sustained in recommending that there is no copyright notice covering the arrangement. A notice of assignment is not a copyright notice.
6. Rea, Joseph E. (No fee)--Class (?). "Victory" Sticker. The deposit is an unpublished drawing, which the applicant identifies as "a rough design of a lapel button." It consists of nothing more than a large letter "V" about which is the word "Victory" and below which is the Morse code letter "V". The border of the design contains no copyrightable authorship, as it is in the main made up of two curved lines bordering the circumference of the circle in which the above described lettering is contained. The Examiner states that no copyright can be had for a lapel button design, but makes the recommendation that registration might be made in Class K after publication with notice. The Revisory Board rejects this recommendation. The drawing represented by the deposit does not contain any subject matter of copyright.
7. Landers, Joseph W. (50264)--Class K. "Red D. Cash." The Examiner rejects the deposit which was submitted with application A-1, as the copyright notice contains C within a circle. The notice, however, is printed in the immediate proximity of a pictorial illustration of "Red D. Cash" a unique cartoon character. The Revisory Board recommends that the applicant file an application form K to cover the pictorial illustration. The title, however, should be given "Red D. Cash."
8. Bosqui, E. L. Printing Co. (49936)--Class A<sup>1</sup>. "Rules and Rates for Fire Insurance and Allied Lines." Immediately following the title page is an index page, following which is page 1 of the work, upon which has been placed the copyright notice. Each succeeding page (it is a loose leaf work) bears the copyright notice. The Examiner holds that the copyright notice is not on the title page or the page immediately following. The Revisory Board recommends entry in view of the fact that every page of the book bears the copyright notice with the exception of the title page, the index page, and the blank subject partitions in the book.



MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 29, 1941

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The Revisory Board met at 3:00 P.M. to 4:30 P.M. Those present were: Mr. Smith, Mrs. Brady and Mr. MacCarteney. The last portion of the meeting was attended by Mrs. Rafter as a member of the board in connection with the consideration of corrective entries.

Total time consumed, 1 hr. 30 mins.  
Unanimous decisions 10  
Divided decisions 1

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Corrective entries--

1. Publishers Printing Co. (AA-369777 and 369977)--"Financing Defense" and "America's Free Schools." Referring to AA-369977 the claimant admits that the record gives the correct name of the author, but now wishes to have it corrected so as to add the name of the person who "initiated" the work. Corrective entry should not be made. However, in the case of AA-369777 which gives incorrectly the name of the author, it is in order to make a corrective entry, providing the necessary requirements are met with the deposit of two new copies, application and registration fee of \$2.00.
2. National Cash Register Co. (C-13491-2 & C-13512-3)--"The Weaknesses of Unprotected Written Records" and "Profitable Food Merchandising." It should be explained to the claimant that an employer for hire of an author can be considered as the author. Inquire if Leo L. Shoemaker was an employee for hire of Jam Handy Picture Service. Duplicate entries have already been made in reference to the works, one giving Leo L. Shoemaker as the author, and the other giving Jam Handy Picture Service as the author. Inquire which is correct. If Leo L. Shoemaker is actually the author, those entries giving his name can be noted as corrective entries of the earlier registrations giving the name of Jam Handy Picture Service as author. Hold certificates which were returned in connection with earlier entries until reply is received.
3. Thompson, Thomas Jr. (E-unp. 263109)--"Keep the Nazis Over There." Before final consideration can be given to the question of corrective entry a request should be made for it by both claimants and not just one of the joint claimants. Point out procedure for obtaining corrective entry.

Usual Revisory Board business--

4. Mullins (Joseph Eugene) (50579)(Class (?))--"Agricultural Spray Adver-

- tising Card" and "Monolith Motor Oil Advertising Card." The applicant submits two simple drawings which contain no copyrightable authorship which will enable registration under Class I as a technical drawing; nor as Class G, work of art. The applicant submitted applications I-2 with his drawings. The Examiner suggests G-2 application for one of the drawings. Reject both and refund.
5. Yoder Instruments (50121)--Class (?). "Special Scale for Use with Cross Staff." Examiner sustained. The work is rejected on the basis of being a measuring instrument or part of a device.
  6. Watson, George R. (W.R. 37372)--Class (?). "Watson Phono-Photo Record." Applicant deposits two phonograph records upon which has been imprinted "In the Service of His Country," beneath which is the drawing of an eagle with two crossed United States flags in his claws. The copyright notice has been put upon the work in ink. The purpose of the record is to record a message to one in the Army or Navy service. There is an appropriate space for the photo of the person sending the message, and the names of the donor and donee of the record, with the date of the gift. It would appear that the applicant seeks protection to the idea. Rejection should be made therefore in the first instance on the basis that the work appears to have been published without the notice of copyright (in this regard emphasis should be placed on the fact that the full name of the copyright claimant does not appear anywhere upon the copy); and secondly, an idea is not copyrightable. No reference should be made to the possibility that the drawing of the eagle is subject matter of copyright.
  7. American Colortype Co. (No Fee)--Class KK ?. "Utah and Arizona." The Examiner rejects on the basis that the work is not subject matter of copyright. It is possible, however, that it might be considered a label, and therefore the material is referred to the Print and Label Section for consideration.
  8. Kalmus, Edwin F. (50567)--Class ?. "A Midsummer Night's Dream." The applicant claims in the E-1 application that the copyright extends to "only the text and thematic analysis". Advise that an examination of the copy discloses that this new matter does not constitute copyrightable musical composition. Reject.
  9. Jorgenson & Co. (51091)--Class ?. "General Orders for Interior Guard Duty." The deposits differ as to the cover, the pictorial matter thereon in one case differing from that in the other case. Within the covers the books are identical, in that they contain portions of United States Army general orders for interior guard duty, and certain blank forms for purposes of memoranda. Reject in the first instance without reference to covers, holding that there is nothing copyrightable either in the United States general orders or in the blank forms.

10. McDaniel, Joe Music Co. (37904)—Class E. "Ain't A Bit A Use In Dreamin'" and "Down A Country Lane In Caroline." This material was before the Revisory Board at an earlier date, July 2, 1941. As a result of the action of the Board correspondence was entered into with the applicant, but the queries made by this Office were not sufficiently answered, so therefore before further consideration can be given the matter the applicant must be asked one simple question—"Who was the copyright owner of the works on the date when they they were first publicly distributed?" Explain publication. The applications received from the applicant on May 26 gave the date of publication as May 3, 1941.
  
11. Murphy, Genevieve M. (44147)—Class A (?). The applicant has printed only 12 copies of her work, which at the time of the printing she had not considered the question of copyright, and hence the copy bore only her name and no statutory notice. One copy was shown to a stationer and placed in his window, which he subsequently sold, the 11 other copies being held by the claimant, awaiting as she states the securing of a copyright from this Office. The Examiner would reject in that the work has been published without the copyright notice. The law states that the date of publication shall be the earliest date when the copies (emphasis supplied) of the first authorized edition were placed on sale, sold, or publicly distributed. Explain publication to the applicant, and advise how copyright is secured. Inform her after she has actually placed on sale copies of her work bearing the proper copyright notice, registration can be made in this Office. She should be given the benefit of the doubt as to what legal effect may result from having placed a single copy in the stationer's window and the subsequent sale of that copy by the stationer.

MINUTES OF THE REVISORY BOARD  
COPYRIGHT OFFICE  
July 31, 1941

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The Revisory Board met at 2:00 P.M. and adjourned at 3:00 P.M. Those present were: Mr. Smith, Mrs. Brady and Mr. MacCarteney.

In the first part of the meeting Mrs. Rafter sat in the determination of a case involving a possible corrective entry.

Total time consumed, 1 hr.  
Unanimous decisions, 6

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Corrective entry--

1. American Institute of the City of New York, N. Y. (B-475382-83). "Science Observer - Oct. and Nov. 1940." The Board reconsidered the case, which was before it on July 24, 1941, at which time it recommended that a corrective entry be made. A further study of the case now discloses that the Office does not have before it a present demand by the applicant for such corrective entry, and therefore it is recommended that the material be filed without any further action.

Usual copyright business--

2. Durstine, Roy S., Inc. (51350)--Class A. "Red Rock Sales Supervision Manual." This Office has corresponded with the applicant on five previous occasions, starting back in November of last year. There was received an application on March 23, 1940, which is acceptable for registration, although it is true the affidavit contains a slight informality. Immediately beneath the venue the name of Roy S. Durstine Inc. is given as the person making the affidavit, while the affidavit is signed by an individual. The affidavit contains a statement that the oath is being made by a duly authorized agent. The Examiner recommends further correspondence to secure a perfectly filled in affidavit. In view of the difficulty which this Office has had to get the applicant to correct the informalities which existed in previous examination of the material, and in view of the statement he makes in his letter that, "We are making no use of the copyright referred to ... hence we are not filling out application for registration card which you sent us," registration is recommended by the Board upon the application received March 23, 1940, even though the slight informality exists which has just been described.
3. Wilson, Joseph P. (50905) Class KK. "The Mystic Robot." The Examiner

requests that the applicant an application filled in by typewriter or by ink, believing that the present application made out in pencil is not acceptable. The Board recommends that entry be made upon the application filed, in view of the fact that the pencil used was an indelible one.

4. Fraser, Laura Gardin (50305)--Class G2. "Freedom, Democracy; Our Sacred Heritage. Preserve, Deserve, Defend." The applicant files a piece of sculpture, which as described in the application will be reproduced as a pin, etc. The Examiner rejects the work as a model for a utilitarian article. The deposit shows, however, that while it can be reproduced for an article of utility, such as a pin or button, in its present unpublished form it does not appear to be an article of utility, but solely a piece of sculpture, and therefore the applicant should be requested to file an application form G-2 which makes no reference to the intended reproduction of the work in the form of an article of utility. It should be explained to the applicant, however, that when so used protection should be sought by means of design patent. *Also MP 941.*

5. Marks Music Corp., Edward B. (Deposit Acct.)--Class E. "Yours (Quiereme Mucho)." The copyright notices upon the work read as follows:

"Copyright MCMXXXII by Edward B. Marks Music Co.  
This Arrangement Copyright MCMXXXVII by Edward B. Marks Music Corporation."

An application form E-1 is filed in which copyright is claimed upon the arrangement. The Examiner rejects stating there is no notice for the arrangement. The Board, however, contends there is a notice for the arrangement, but recommends that inquiry should be made whether the date of publication in the application is correct in view of the fact that a variance exists between the notice on the copy (1937 year date) and the date of publication given in the application (1941 year date). If 1941 is correct, entry can be made on the present application, the applicant however losing four years of his copyright term as the result of putting 1937 in the notice. *Also on MP 850.*

6. Hillman-Shane Advertising Agency (49648)--Class A. "California College Calendar 1941-42". ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ The deposit consists of a print in the center of which has been stapled a pad of leaves on which pages are printed text and pictorial matter referring to women's wardrobes. The copyright notice appearing upon the print contains C within a circle. The work considered as a unit is a "book," and the applicant so applies for registration. The Board sustains the Examiner in holding that the notice is not adequate and that rejection should be made of the application.