

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 2, 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 3

1. Salamone, Albert Clement (38125)--Class E. "Navy Men." Variance in spelling of middle name of one of claimants is due to poor penmanship. Accept Magdelian as correct and register upon material in hand.
2. Smith, Joseph A. (38417)--Class E. "The Congress Waltz" and "That's a Different Story." Two compositions included on a single sheet of music. Return deposit and request submission of separate sheet for each work for which copyright protection is desired.
3. Ayer, N.W., and Son, Inc. (35943)--Class A. "This Week in History" in "Philadelphia Inquirer" June 23, 1940, June 30, 1940, and 9 others. In view of applicant's explanation in letter of May 26, 1941 that the copies filed are predate or Bull Dog Editions mailed a week in advance of the date of issue, request new applications giving correct dates of publication.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 3, 1941

The Revisory Board met at 10:00 A.M. and adjourned at 10:20 A.M.
Those present were: Mr. Wise, Mr. Smith, and Mr. MacCarteney.

Total time consumed 20 mins.
Unanimous decisions 5

1. Shaw, Alfred (37594)--Class ? "Timely Words...Along the Way to Happiness and Success." Request new application giving word "Drawing" in line (1) and a title taken from copy in line (7), without explanation as to extent of coverage of work by the registration of the drawing.
2. Beckman, L. & Co. (38646)--Class KK? "Your Horoscope With Your Own Perfume (Gemini)". Work deposited consists of envelope which is to contain horoscope and perfume. Envelope contains text and pictorial matter. A label for perfume. Request KK application.
3. S.E.S.A.C., Inc. (34142)--Class E. "Min Soldat." Revisory Board decision of May 15, 1941 approved. Register as applied for accepting notice giving A-B, Carl Gehrman's Musikförlag as the copyright owner.
4. Kuehner, Herman R. (38970)--Class A. "The Bell" and "The Cannon's Voice." Work consists of a four-page leaflet, the notice for which appears on the last page. Notice adequate for leaflet. Register as applied for.
5. Kirkwood, Samuel B. (No Fee)--Class A. "Health During Pregnancy", 1st and 2nd printings" and "Daily Diet During Pregnancy." Write. Inquire whether second printing contains only slight changes. If so, one registration is sufficient. If, however, new material has been added in second printing two registrations are required.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 5, 1941

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

Total time consumed 30 mins.
Unanimous decisions 3

1. Hyde and Meyer (34259)--Class A. "Slide Rule." Work deposited consists of a single sheet on which has been drawn a rectangle with certain scales, together with a drawing of the work in complete and assembled form. Instructions for constructing the slide rule are included in seven lines of text. Request II application giving title taken from copy.
2. Earl and Chappell (35481)--Class A. "Financial Report." Reject Final examination shows work to be a blank form. It consists of the usual ledger showing financial condition and the ledger of profit and loss. *Also on MP-788*
3. Reed, Edward L. (34083)--Class A. "Modern Automotive Lubrication and Autolene the Modern Motor Oil" and "Modern Automotive Lubrication and the Modern Motor Oil." Examiner sustained. Two works deposited are identical with exception that one refers to Autolene oil and the other refers to no particular oil. Register work as first published April 25, and point out that use of word Autolene would not be sufficient basis (for work as published April 28) A2 registration.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 6, 1941

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

Total time consumed 45 mins.
Unanimous decisions 7

1. United Feature Syndicate, Inc. (Deposit)--"United Feature Comics, Vol. 2, No. 44"
May 30, 1941. Write usual letter rejecting material. Material as deposited represents an attempt to avoid copyright fees provided by the statute. Refer file to Col. Bouvé's office.
2. Fortuny's Publishers, Inc. (6311)--Class A. "Small Town Kingdom."
Accept application and copies with notice in name of Pegasus Co., which firm, it is now understood, is out of business. *First on MP. 74/*
3. West Publishing Co. (Deposit)--Class A. "Mississippi Blue and White Book."
Copies bear a general title-page for work as a whole. This is followed by a title-page for the blue section, on the back of which is a copyright notice. Neither the general ^{title-}page nor the title-page for the white section bears a copyright notice. Register upon receipt of applications giving title limited to the blue section on which the notice appears.
4. Bartlett, Maud Allen (38713)--Class E. "The Flying Men" and 2 others.
Request E2 applications, but do not write explaining protection covers only the music and not the dedicatory text.
5. Matthews, Inc. (39447)--Class A. "Matthews Visualizer." Write and explain that method of matching colors is not copyrightable. Since notice is placed under the "Celluloid visualizer", reject. Hold fee for present.
6. Rose, Adrian (38465)--Class A. "Declaration of Patriots of America."
Notice reads as follows:
Copyright 1941
DECLARATION OF PATRIOTS OF AMERICA
by Adrian Ward Rose
Accept notice. Write requesting A1 application.
7. Graf, Alois W. (32889)--Class KK? "Mr. Retailer-Important" and "This Makes New Profits For You." Register as Prints or Labels. Request KK applications and additional fee. Examiner sustained.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 9, 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 4

1. Henderson, Lilian C. (39358)--Class I. "The Practical Stocking."
Point out that registration of drawing of stocking will not protect the idea. If patentable features are present, letters patent should be sought. If technical drawing registration is desired applicant should file a complete drawing with an application eliminating the sketch of the stocking.
2. Hillard, Mrs. Ruth Adele (39324)--Class ? "Daddy's Friend". Work (poem) has been published in a newspaper in 1941 without a copyright notice. Registration is therefore not in order for the same words in manuscript form, even though the words ^{may} form a part of a musical composition. Reject. Examiner sustained. Also ~~MP. 788~~
3. Zises, Bernard (39389)--Class A. "Solving the Missing Link in Selling Children's Wear." Examiner sustained. "Copyright pending" indicates that work may not yet be published. Write explaining procedure for copyrighting a book, including form of notice.
4. Wilson, Joseph P. (10587)--Class ? "Facts" and 5 others. Applicant has now filed photographs of work. Mr. Howell desires consideration as to whether registration may be made as photographs. In accordance with his memorandum of February 21, 1938 and previous Revisory Board decision reject as photographs. *After consultation with H.A.H. it was agreed to register two of the works as photographs - Robot No.1. Robot No.2. "Psychology, Astrology, Philosophy - This Robot gets your vibrations....!"* Reject remainder of works. (First on MP. 713)

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 10, 1941

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

Total time consumed 60 mins.
Unanimous decisions 7

1. Knott Corporation (39724)--Class F? "Location of the Knott Hotels in New York City." Work consists of a single sheet when unfolded. On one side is printed a map of New York City and vicinity and on the other a list of the hotels with rates, together with certain pictorial illustrations. Accept A1 classification chosen by applicant and request A1 application giving correct statement of authorship.
2. Sisters of Charity of Cincinnati, Ohio (38964)--Class G. "Mother Seton Glazed Ceramic Statuette." Examiner sustained. Notice on copy inadequate. Consists of "© S.A." with name Sister Augusta on copy. This name at variance with previous application giving Sisters of Charity of Cincinnati, Ohio, and also inadequate for proper identification of work. Reject.
3. Jefferson, James (39805)--Class ? "Formula Leaflet." Examiner sustained. Write letter that formula is not subject matter of copyright.
4. Breckinridge, Robert J. (39806)--Class A. "Little Kit Carson, Tenth Edition." Examiner sustained. Notice is on page 3. Title-page is front cover some five pages preceding page bearing notice. Reject. Notice misplaced.
5. Telephone Service Co. (39685)--Class A. "Telephone Directory--Wapakoneta, Ohio, Cridersville, Ohio, June 1, 1941." Examiner sustained. Notice not on title-page or page immediately following. It appears on the fourth page from the title-page (cover).
6. Bruce, William (34952)--Class A. "Call for Cash." Reject. Proof copies do not represent work as published and the work as published in a newspaper lacks the copyright notice. Refund fee.
7. Rogers, Erastus W. (No Fee)--Class A. "A Composition of Patriotic Hope and Faith Endeavors." Notice acceptable, but explain better form. Request A1 application and fee. "A Prayer...." Reject card. Notice of copyright lacks name of copyright owner.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 11, 1941

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

Total time consumed 40 mins.
Unanimous decisions 6
Divided opinions 1

1. Peyton, F. Lewis (No Fee)--Class A. "The Game of War." Copies prepared especially for interesting a game manufacturer. Publication ^{has} not taken place. Reject. Typewritten sheet deposited is a description of the game, not a copy of the game itself.
2. Pfeiffer, Ehrenfried (31736)--Class A. "Der erfreuliche Pflauren." Previous decision sustained. Applicant must reprint book in this country with copyright notice before entry as A1 is in order. One of the authors is domiciled in this country. *First on MP-746.*
3. Kehm Corporation (34604)--Class I. "Radiation Factors." Examiner sustained. Register upon new application giving new date of publication in view of applicant's explanation.
4. Schuler, George S. (34775)--Class E. "Gertrude R. Dugan's Gospel Songs." No collective notice has been printed on the copies for the work as a whole. Each musical composition bears its own notice. Separate registrations for the several musical compositions required.
5. Schaller, Manuelita (41159)--Class A. "Commission Government for Washington, D. C. to Operate the United States of America." Examiner sustained. Scurrilous text. Reject.
6. Intermountain Consumers' Service, Inc. (40768)--Class B. "Consumers' Buying Guide, Vol. 8, Parts 1 and 2, February-March, 1940." Register as A1 as applied for. Work is an annual publication. Write regretting previous request for B1 application. *Also on MP-780.*
7. Fuller Uniform Co. (11729)--Class A. "Fuller Fine Washable Uniforms". Division of opinion as to whether fee sent for 1940 Catalog may be used for registration of 1941 Catalog, and applicant written for necessary information and fee for remaining work (1940 Catalog). Appeal. *Enter one in order - Write re remaining work. - H.A.H (SEE "BOOK")*

TO BE ADDED TO REVISORY BOARD MINUTES

1 PR

The following case was not included with the Revisory Board minutes when they were written up on: June 11, 1941:

Fuller Uniform Co. (11729)--Class A. "Fuller Fine Washable Uniforms." Division of opinion as to whether fee sent for 1940 Catalog may be used for registration of 1941 Catalog and applicant written for necessary information and fee for remaining work (1940 Catalog). Appeal.

The following case was discussed with Mr. Howell and the decision of the Board slightly changed:

Wilson, Joseph P. (10587)--Class ? "Facts" and 5 others. Register "Psychology, Astrology, Philosophy, Psycho Analysis--This Robot Gets Your Vibrations From Your Hand on Mystic Mirror" Nos. 1 and 2 as photographs. Reject remaining works.

Minority Memorandum

June 11, 1941

Remitter: Fuller Uniform Co. (No. 11729)

Title: "Fuller Fine Washable Uniforms" and "Fuller's Finest Uniforms"

Question: Whether to apply available fee to work now in order for registration--"Fuller's Finest Uniforms"

It has been suggested by the Correspondence Section that the \$2.00 fee filed by this remitter February 11, 1940, for the recording of their 1940 Catalog, published with notice of copyright in their name, be applied to the registration of the 1941 Catalog, received December, 1940. The undersigned is opposed to this suggestion, because it is not her understanding that the Correspondence Section or the Revisory Board has any authority over the disposition of the copyright fees. It is furthermore apparent from remitter's last communication, received April 22, 1941, that he wishes to complete the registration of the 1940 Catalog, for which the fee was sent. The only deterrent to the recording of this claim is an inadequate title in the application. As this unfinished business has been before the Office since February 21, 1940, the undersigned is in favor of completing the record of the claim in the 1940 Catalog, using the title on the title-page of the deposit. The fee for the recording of the 1941 Catalog should then be requested.

M. C. BRADY

Enter work now in order for registration. Write again for fee and proper application for remaining work.--H.A.Howell.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 12, 1941

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

Total time consumed 60 mins.
Unanimous decisions 6

1. Watson, Dave Reed (41160)--Class ? "Radio Rule" and "Airways Protractor." Reject "Radio Rule" for inadequate copyright notice. Point out that devices are not copyrightable. Latter work clearcut device.
2. Webb Book Publishing Co. (W.R.37293)--Class A. "Country Kitchen Cook Book." Examiner sustained. Registration may be made upon receipt of A2 application with complete affidavit. Answer applicant's questions in letter accompanying the material.
3. Cram, George F., Co., Inc. (41176)--Class A. "Official 1940 Federal Census." Enter without questioning registration of Federal Census as copy of U.S. Government publication.
4. MacFadyen, Donald M. (40689)--Class A. "The George Washington Boys Statement of Principles and Ideals." Applicant has added after statement of date of publication the words "not for sale." Enter. Work may be publicly distributed without being placed on sale.
5. Baltimore and Ohio Railroad (40623)--Class A. "Washington Shrine of American Patriotism." Examiner sustained with respect to variance in name of copyright owner. Write for explanation. Also in view of statement on copy that it is a "new edition" suggest A2 registration if work as deposited is a revised edition.
6. Official Aviation Guide Co., Inc. (40026)--Class B. "Official Aviation Guide of the Airways, Vol. 13, No. 3, June, 1941," and same for May, 1941. Enter in view of Mr. Howell's decision that the month in the notice refers to the month of issue rather than to month of publication (Minutes June 3, 1941).

JUN 13 1941

MINORITY MEMORANDUM

Remitter: Kiwanis Magazine (No. 35683)

Title: Kiwanis Magazine Vol. 26, No. 5, May 1941

Question: Advanced date (of month) in notice of copyright.

The undersigned dissents from the opinion of the other members of the Revisory Board, who hold that the notice of copyright in the deposit in question is fatally defective. The deposit, a monthly magazine, entitled "Kiwanis Magazine" is published with date of issue May 1941. It also bears this date in the notice of copyright-- "Copyright May 1941 by Kiwanis International." The application filed with the copies, however, gives the date of publication as April 29, 1941, thus declaring a date prior to the month of issue, May 1941, which appears in the notice. However, as the use of the month in the notice of copyright is not a requisite of the statute, and the notice includes the year in which copyright was secured by publication, the use of the month is surplusage and does not in the opinion of the undersigned constitute a deterrent to the recording of this claim to copyright. A letter of instruction to the remitter might be considered.

M. C. BRADY

Enter as applied for--H.A. Howell 6/3/41. "The 'May' in the notice means the May issue."

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 17, 1941

The Revisory Board consisting of Mr. Smith, Mrs. Brady, and Mr. MacCarteney met at 10:30 A.M. and adjourned at 11:30 A.M. The Board consisting of Mr. Wise, Mr. Smith, and Mr. MacCarteney reconvened at 3:00 P.M. and adjourned at 3:40 P.M.

Total time consumed 100 mins.
Unanimous decisions 19

1. York, Albert Lee (32365)--Class A. "Trust Estate Code Prospectus" and "Liquid Investments." Latter work first bore notice "Copyright 1941, N.F.T." Above this forming part of a trade mark appeared the full name of the copyright owner, these elements being the only printed matter on the page. Notice acceptable.
2. Seward, Edward (D2-75240)--Class D. "European Handicap." Work is primarily in narrative rather than dramatic form. Reject as drama.
3. Smith, Kenneth (46410)--Class A. "Kenneth Smith Golf Clubs Hand Made to Fit Your Swing." New copies have been deposited with correct notice of copyright, but application accompanying the copies gives a date of publication prior to the Office's first letter pointing out defective notice. Examiner sustained. Reject. Advise applicant re photostat copies and means of securing them.
4. Fischer, Carl, Inc. (35248)--Class A. "Band Help Folio, Fourth Edition." Work deposited contains certain text and musical notes of help to a band member, and is made in such a way that the owner may file his music for a particular program in chronological order. Accept as a "book", requesting form A2 if, as title indicates, work is revised edition.
5. Crofts, F. S., and Co., Inc. (AA-36582.). "Laboratory Manual for Tests and Measurements in Health and Physical Education." Mark entry AA-365282 abandoned. Cancel and file with no further action. Two registrations made for same work giving different dates of publication. Applicant has returned incorrect certificate. *First on MP-768*
6. Honnold, Frank (39036)--Class A. "God's Great Refrigerator." Notice on last page of a 16 page booklet. Reject. Notice misplaced. Examiner sustained.
7. Standidge, Harry W. (41437)--Class A. "War." Copies possibly labels. Refer to Print and Label Section for examination.
8. Dow, Roy F. (40311)--Class A. "Veterans Benefits and Guide." Examiner sustained. Copies were rather widely distributed with inadequate notice, so that "limited distribution" does not appear to be applicable in this case. Reject in view of sworn affidavit giving March 3, 1941 as date of publication, at which time copies bore defective notice.

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9. New York University, Hall of Fame (41650)--Class G. "Stephen Collins Foster." Ask applicant to identify work as "sculpture" in line (1) and not as a bronze portrait bust as in present application. *C. L. Bove*
Sustained Examiner's recommendation to describe work "Model for work of Art." 6/24/41
10. Dubler, Herbert, Inc. (41001)--Class K. "10H275" and 46 others. Examiner sustained. Reject because of inadequate notices. On some two notices in the names of different claimants appear, but full name of copyright owner does not appear on the copies.
11. Sparrow, Maxwell E. (45566)--Class ? "Red-Tip Cigarette." Examiner sustained. Reject again. Copyright does not extend to an idea or the use of a certain color or colors for an article of merchandise.
12. Roundup (40861)--Class A. "The Roundup." Register as applied for. Notice is in a conspicuous position at the front of the book on the third page from the title-page.
13. Hobby Craft, Inc. (29925)--Class G. "Outline Drawing of Indian Village for Coloring With Water Color or Crayon." Examiner sustained. Request applications on forms K, since the classification "print or pictorial illustration" is preferable to that of "reproduction of a work of art."
14. Bordwell, Paul Dent (36511)--Class A. "Script, 1941--Freshman Sophomore Year Book." Examiner sustained. Notice lacks name of copyright owner. Reject.
15. Baker, Harold H. (40716)--Class A. "1940 Yearbook of the New York and New England Association of Railway Surgeons." Notice of copyright reads: "Copyrighted by The New York and New England Association of Railway Surgeons Rochester, New York, 1940." Register as applied for. Year date is in notice.
16. Industrial and Financial Bureau (40862)--Class A. "Merchant Movie Credit." Write explaining that idea or scheme, as such, is not copyrightable. If applicant still desires registration made this action will be taken upon his insistence.
17. Brown, Virginia Stuart (40596)--Class K. "A Lincoln Home." Send form K with the request that applicant give present owners' names in line (1). Joint claimants are artist and publisher.
18. Progress Printing Co. (No Fee)--Class A. "Culinary Almanac 1941." Reject. Two notices appear on copy. One on outside cover contains only one name, that of Alfred Fries, editor. The other notice consists of "Copyright 1941" beneath which are three names. Neither notice contains the name of the copyright owner. *Also on MP-783.*
19. National Premium Pay Envelope Corp. (40606)--Class ? "Save Money on Loans." Envelopes have been deposited containing considerable printed matter. In view of previous decision of Mr. Howell accept deposit as a "book".

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20. Jam Handy Picture Service, Inc. (40673)--Class A. "Motion Picture Schedule Timer." Examiner sustained. Reject. Notice lacks name of copyright owner and work is in nature of device requiring manipulation to obtain result.



MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 19, 1941

The Revisory Board met at 11:00 A.M. and adjourned at 12:00 Noon. The Board reconvened at 2:30 P.M. and adjourned at 3:30 P.M. Those present were Mr. Smith, Mrs. Brady, and Mr. MacCarteney.

Total time consumed 120 mins.
Unanimous decisions 20
Divided opinions 1

1. Brown and Bigelow (56851)--Class KK? "The American's Creed Fan." Patent Office advises that material is not design patent material. Ask KK application. *First on MPP. 504, 557, 630.*
2. American Bank Note Co. (42256)--Class K. "No 82280--Vermont Cigarette Tax 2¢." Accept notice giving "© Vt." Register. State of Vermont is copyright owner.
3. Stevens, S. George (42208)--Class I? "Distance Finder." Enter as a technical drawing. Work as deposited is a drawing rather than a device.
4. Van, Billy B. (40894)--Class D. "Red Flannel Philosophy." Accept application on form C and enter as applied for. Van is the principal speaker and work is radio script not strictly speaking in dramatic form.
5. Quist, A. H., Jr. (42040)--Class A. "Individualized Control." Register as applied for using application with affidavit giving date of publication as April 9, 1941.
6. Intermountain Consumers' Service, Inc. (40768)--Class B. "Consumers' Buying Guide Vol. 8, Parts 1 and 2, Feb-Mar., 1940." Affidavit faulty. Register as a "book" upon receipt of complete affidavit. *First on MP-775.*
7. Heinicke, George C. (30672)--Class KK. "Mustard." Question notice again--affixed with pen and ink. Ask if copies filed represent best edition. Copies are labels only if when published they actually contain mustard. (Copies consist of a sheet pasted and stapled ^{to form envelope} with text matter on the outside advertising mustard for certain meat products.)
8. Strothers, John Lewis (41594)--Class ? "This Envelope Contains One Double Edge Razor Blade..." Examiner sustained. "Envelope" consists only of three statements, each very brief and as might be used on any envelope containing razor blades. Not subject matter of copyright. Reject.
9. Atkinson, H. Dorothy (6578)--Class F? "Historical Map, Burlington Co., New Jersey." Explain publication and point out that distribution to which he refers may constitute publication. If not published request G2 application for work as unpublished drawing.
10. Lind, John (40314)--Class J. "A Stone Found on the Shore of Lake Superior." Enter photograph on J2 application as applied for.

Minutes of the Revisory Board, June 19, 1941

11. Dyke, Margaretha G. (39459)--Class E. "Op. No. 9." Register as applied for. Do not return copy for deletion of statement "Title--words and arrangement later." Accept title given.
12. Wickling, W. B. (27640)--Class A. "Greetings from Glendale, Calif., etc., Book of Glendale Cards." Refund as requested without requesting further statement concerning publication.
13. Christensen, James H. (37335)--Class A. "Amaranth" (7 others). Inquire how folders (with pictorial cover, otherwise blank) are distributed. If submitted to various interested organizations ask K applications. If, however, publication takes place in a more complete form, then complete copies are required. *Also on M P 836.*
14. Lesser, A., Inc. (41681)--Class A. "Gas Range Accessories, Supplement to Catalog No. 139." Notice of copyright bears September, 1941, as date of publication. Application bears sworn date of publication in affidavit. Do not write requesting verification that publication has taken place in view of recent decision of Mr. Howell.
15. Winkleman, Edward Z. (#R.37314)--Class A. "The McConnell Cooperative Buying Plan." Examiner sustained. Reject. If copies were first published with copyright notice, applicant should have deposited such copies at time of first request for registration. Copies submitted at that time bore a defective notice. Furthermore, applicant now files application giving later date of publication.
16. American Social Hygiene Association (42627)--Class M. "In Defense of the Nation." Reject. Name of copyright owner not in copyright notice. Claimant's name appears at the beginning of the picture. At end of film is statement "A Jam Handy Production, Copyright 1941".
17. Dyke, Margaretha G. (39459)--Class E. "Op. No. 9"(see item 11 above).
- 17a. Progressive Photo Offset Co. (41494)--Class A. "First Edition, Black and White Drawings." Examiner sustained. Book of prints bears "©" in notice. Reject. Page of text (foreword) prevents "printed publication" registration.
18. Crane Co. (41731)--Class A. "Crane Valves, Fittings, Pipe, Fabricated Piping Catalog No. 41." Notice appears on title-page in lower lefthand corner in following form: "Copyright , 1941--Printed in U.S.A." Above this two inches from the notice is the name Crane Co. in very large letters. This is the only name appearing on the page. Accept but write with respect to better form of notice for future works.
19. Morrow, William and Co. (Deposit)--Class A. "The Fight for the Pacific." Application gives citizenship as U.S.A. Statement in book indicates author was born in Mongolia, lived in Vladivostock, China, etc., and came to ~~C~~ccident in 1939. Do not question statement in application as to citizenship.

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20. Soria, Severo E., and Co. (41147)--Class ? "Sculptured Heads of Presidents of U.S. of A. in Toby Jug Shapes." Reject, suggesting possible design patent protection. Small ornamental jugs probably intended as match holders. Do not reject on basis of copyright notice affixed to bottom of the works.

21. Fisher, Irving (30335)--Class A. "What Should be Taxable Income?" Division of opinion as to whether Office should request registration in Class C of the separate lectures included in the bound volume deposited. Appeal. *After further consideration all agree to return two of the copies. If applicant states work has not yet been published registration can be made as a "book" after publication with notice. If work has already been published, reject for lack of copyright notice.*
First on M.P. 766.

Minutes of June 19, 1941 (change of view)

After further consideration Mrs. Brady agrees with Mr. Smith and Mr. MacCarteney to return two of the copies and hold one copy. If application states work has not yet been published registration can be made as a "book" after publication with the copyright notice. If work has already been published without notice, reject.

Case--Irving Fisher (30335)--Class C or A? "What Should Be Taxable Income?"

IPR

MINORITY MEMORANDUM

Remitter: Kirby Block & Company (No. 36910).

Title: "Sales Plan".

Question: Advanced date (of month) in notice of copyright.

The undersigned dissents from the opinion of the other members of the Revisory Board, who hold that the notice of copyright in the deposit in question is fatally defective. The deposit, a publication entitled "Sales Plans," is published with date of issue June 1941. It also bears this date in the notice of copyright—"Copyright June 1941 Kirby, Block & Company." The affidavit accompanying the application and copies, however, gives the date of publication as April 15, 1941, thus declaring a date prior to the month of issue, June 1941, which appears in the notice. However, as the use of the month in the notice of copyright is not a requisite of the statute and the notice includes the year in which copyright was secured by publication, the use of the month is surplusage and does not in the opinion of the undersigned constitute a deterrent to the recording of this claim to copyright. A letter of instruction to the remitter might be considered, calling his attention to the exact form of the notice with reference to the variance in question and the position of the name of the copyright proprietor.

M. C. BRADY

Write first as to conflict in date of publication between application and affidavit and use of June in notice. It would not have been first published in all three months.--H.A. Howell 6/3/41.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 21, 1941

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 60 mins.
Unanimous decisions 10
Divided opinions 1

1. Kirk, George E. (1460)--Class KK. "Pressure Processed." Illustrated work subsequently cut and stapled advertising lime, plaster, etc. was first published as a single sheet. Advise applicant that Office considers material KK, commercial print.
2. Davidson, Payson (41413)--Class ? "New York Key World's Fair, 1939, Empire State." Accept deposit as an unpublished drawing and request G2 application.
3. Progress Printing Co. (No Fee)--Class ? "Culinary Almanac, 1941, Thirty-fifth Year." After reconsideration the Board agrees that notice "Copyrighted by Alfred Fries, Editor" on front cover indicates the copyright owner, and this name appears near (in juxtaposition with) other names; the notice containing the year date on the title-page. Register but write warning letter when requesting application and fee.
First on MP. 778.
4. Institute of Applied Econometrics, Inc. (42108)--Class A. "Economic Measures-Weekly Business Summary Issues of December 3, 1940--March 4, 1941." Application gives one address, letter indicates another. Do not question address in application. Enter. *Also on MP. 186*
5. Epstein, Charles J. (41014)--Class A. "Telephone Answering Service." Reject poem (advertisement) for inadequate notice--no copyright notice--without suggesting registration of directory if publication with notice took place.
6. LeRoux, Alex A. (42265)--Class ? "Ski Protective Cover." Point out that work is not a print or label and protection for the protective ski cover cannot be secured in this Office. Registration can be made for the unpublished photograph, as such. Explain requirements for registration of KK material.
7. Cuyahoga Realty, Inc. (425835)--Class ? "Cuyahoga Realtors--Builders, Brokers..." in "Cleveland Plain Dealer..." Examiner sustained. Defective notice. Name of copyright owner omitted. Reject.
8. Merrimade, Inc. (33553)--Class K. "Via Airpost, Par Avion..." Not KK material. No pictorial matter original in character upon which copyright claim can be made as a print. Reject again. *First on MP. 754*

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9. Pleukharp, C. Vernon (39396)--Class A. "Moonbeams and Cuckoos."
Applicant has given author's name as C. Vernon Pleukamp on copy.
Notice and lines (1) and (3) of application give Charles V. Pleukharp, Jr.
Do not question further the variance in author's name. Request Index
Unit to make appropriate cross reference cards.
10. Chayka, Louis (39502)--Class ? "The Tigers." Work consists of a baseball
glove, on which is a small bat, a life-size baseball, and above the baseball
a tiger balancing himself on the ball. Deposit has every aspect of an
article of utility, such as an ashtray. Reject.
11. Johnson, Kline and Smyth (42599)--Class G. "Great Dane Dog, No. 1396."
Reject. Notice inadequate. Consists only of "© J.B." "Reproduction
of Daniel Chester French's Statue of Lincoln in the Lincoln Memorial"
All agree that H is appropriate classification, but there is a division
of opinion as to whether inquiry should be made to determine whether
work is intended for use as a bookend. Appeal. Register "Reproduction..."
without inquiring as to use to which it may be put - HAN
(SEE 'REPRODUCTION of a WORK of ART.') Also on MP-798

MEMORANDUM

June 21, 1941

Remitter: Johnson, Eline and Smyth (1,2599)---Class G.
Copyright Owner: Jennings Brothers Mfg. Co.

Titles: "Great Dane Dog" and "Reproduction of Daniel Chester
French's Statue of Lincoln in the Lincoln Memorial"

Question: Does the statue of Lincoln represent an article
of utility?

Mrs. Brady and Mr. MacCartney believe the statue of
Lincoln to be a reproduction of a work of art, and they are
both of the opinion that the question of whether the work
could also be used as an article of utility serving as a book-
end should not be considered by the Board.

Mr. Smith, while admitting that the reproduction of
the Lincoln statue in the Lincoln Memorial Building, Washington,
is a "reproduction of a work of art", nevertheless is of the
opinion that when that work of art serves as an article of
utility, and it is evident that the work can be so used, then
protection should be sought by means of a design patent and
not by statutory copyright. In view of the present doubt
that is existing as to whether this work is solely intended
to be used as a work of art inquiry should be made to determine
whether these are being placed on the market for purpose of
sale as bookends.

Respectfully submitted,

Acting Chairman of Revisory Board

Register "Reproduction of Daniel Chester French's Statue of
Lincoln" as "H" reproduction of a work of art, without inquiring
as to use to which work may be put.--H.A. Howell. Rejection of
"Great Dane Dog" affirmed.

Minutes of the Revisory Board
Copyright Office
June 25, 1941

The Revisory Board met at 10:30 A.M. and adjourned at 12:00 Noon.
Those present were: Mr. Smith, Mrs. Brady, and Mr. MacCarteney.

Total time consumed 90 mins.
Unanimous decisions 10

1. Country Press, Inc. (41223)--Class A. "Hooley Annual No. 11." Reject again pointing out previous rejections of Nos. 9 and 10 of this annual, also on grounds of obscenity. *Also on MP-790 + 804*
2. American College of Chest Physicians (36885)--Class A. "Pneumothorax Directory--1941." Reject. Notice not on title-page or page immediately following, but appears on twelfth page from title-page.
3. Lewis, Ann, Studios (44243)--Class G. "Bear Cub." Work does contain complete notice, but full name appearing on the bottom is rather indistinct. Request statement of whether copies represent best edition and request deposit of copies with legible notice, pointing out that all copies distributed should bear notice which will not become blurred. Accept classification of "work of art".
4. Cullum, Minnie Emma (3911)--Class E. "Our Boys." "Logan Cullum" is simply last names of each of two claimants. Doubtful as firm name. Ask for application giving full names and addresses of each claimant only in line (1) and "Logan Cullum (pseud. of (name of author))" as the composer and also as the author in lines (3) and (6).
5. Steinmeier, Florencia E. (43716)--Class E. "When Dreams Come True." Examiner sustained. Request copy written in conventional musical notation with words set to the melody. Return copy now deposited, which indicates keys by letters rather than by musical notes.
6. Ford Motor Co. (42516)--Class ? "Good Morning." Book of old fashioned dances with calls and pictorial descriptions. Accept notice for book registration and request application on form A2 (notice on third page from title-page at bottom of first page of music).
7. Ash, Lee Davis (43355)--Class A. "First Reader for Adults." Returned to Examiner for recommendation with respect to copyright notice.
8. Collier-Tyson Co. (W.E.37243)--Class A. "Nakon School of Beauty Culture." From applicant's letter of June 23 it appears that publication did not take place until copies were properly and correctly printed bearing adequate notice. Ask application giving correct date of publication.
9. Zimmerman, Otto and Son Co. (43697)--Class E. "The Song of the Dominion of Canada." Explain publication and inquire whether work has been published in U.S. without notice. If not, explain requirements with respect to notice and use of E and E foreign applications.

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10. Institute of Applied Econometrics, Inc. (42108)--Class A. "Economic Measures--Weekly Business Summary Issues of December 3, 1940--March 4, 1941." Upon reconsideration Board decides to inquire whether address given in application is an office address to which certificates are to be mailed. Otherwise new applications should be filed giving correct address. *First on MP-783.*

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 26, 1941

The Revisory Board met at 4:30 P.M. and adjourned at 5:15 P.M. Those present were: Mr. Smith, Mrs. Brady, and Mr. MacCarteney.

Total time consumed 45 mins.
Unanimous decisions 9

1. Bryant Music Corp. (42852)--Class E. "Whippoorwill" and 3 others. Each unpublished musical composition in collection of unpublished works requires a separate registration. Unit registration in order after publication with notice. Inquire with respect to 1923 copyright notice. No registration in name of Bryant Music Co. found for that year for works bearing this notice.
2. Reynolds, Walter (43432)--Class E. "I Don't Know a Thing About You." Enter as applied for accepting statement of citizenship as "Austria" without "(Germany)" appearing thereafter.
3. Robinson, W. W., Jr. (38885)--Class A. "Magna-Frequentia, Instructions on Operation and Care of Aptitude Tester." Explain publication fully and inquire whether copies represent work as made available to general public.
4. Leonard, O. V. (No Fee)--Class ? "(No title given)". Reject. Unpublished book consisting of pencilled text and pictorial matter. Explain requirements for registration of a book.
5. Williams, Bradbury and Hinkle (43303)--Class ? "1942 Social Capers." Copy consists of a loose-leaf date book (blank sheets except for dates and words "Morning, Afternoon, Evening, and Memo" appearing as column headings). Outside cover bears a drawing together with title. Notice is on page following cover. Reject. Notice misplaced for a print. Blank book not copyrightable.
6. Rosengreen, John H. (40313)--Class I. "Chart of Zodiac." Question authorship of blank form, consisting of circle with usual zodiac symbols. Copies deposited June 5, 1941 contains additional lines not appearing on later deposit.
7. Keystone View Co. (42525)--Class A. "Synoptiscope Transparencies-- Little Black Sambo, Vol. 1". Examiner sustained. Ask how these copies are published and extent of distribution. Copies consist of page produced by some photographic process, text of which is microscopic in size.
8. Rohlf, Tewes, Jr. (43278)--Class A. "Defense Duty Doilies." Reject as not subject matter of copyright. Indecent.
9. Douglas Aircraft Company, Inc. (44124)--Class A. "Aircraft Riveting Manual." Distribution of copies must necessarily be limited, since it is indicated they are for defense purposes. Do not question publication.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 27, 1941

The Revisory Board met at 3:10 P.M. and adjourned at 4:35 P.M. Those present were: Mr. Wise, Mr. Smith, and Mr. MacCarteney.

Total time consumed 85 mins.
Unanimous decisions 23
Divided opinions 1

1. Mullins, Joseph Eugene (43182)--Class I. "Automotive Equipment Tires;"... Examiner sustained. Explain that designs for articles of manufacture are not copyrightable. Send form I2 for possible registration of unpublished drawing.
2. Moynihan and McKeown (44311)--Class A. "Shipboard Romance." Examiner sustained. Doubtful publication. Novel in mimeographed form similar to other syndicate material submitted by this firm. Request statement of extent of publication.
3. Earl and Chappell (44045)--Class A. "Financial Report." Rejection sustained. Copies are blank forms. *First on MP-771*
4. ^{ard}Hillier, Mrs. Ruth Adele (39324)--Class E? "Daddy's Friend." Division of opinion as to whether new deposit filed June 16 may be registered as a print or pictorial illustration. Appeal. *First on MP-773*
5. O'Brien, Driscoll and Raftery (43508)--Class A. "Synopsis of the Film, Cheers for Miss Bishop." Examiner sustained as to request of better statement of citizenship. Since the work is the result of an employer-employee relationship, request that employer's name be given in application.
6. Garnes, Al L. (43949)--Class I. "The Clothesmobile." Examiner sustained but also inquire whether author is an employer for hire.
7. Memorial Specialty Co. (63400)--Class K. "In Memory, Condolence Folder" and five others. Embossed Easter Lily Panel Card, Reject--no notice. Inquire as to correct date of publication of "Garden of Gethsemane," "Christ Knocking at Door" and "Good Shepard."--1939 year date in notice 1938 in application. "In Memory." Notice appears on back cover of a twenty page book. Reject. Large and small copies are duplicates except for size.
8. Helms, Paul H. (43930)--Class A. "Flags of America and Autographs and Medals of the Presidents of the United States." Work when unfolded consists of a single sheet, with some pictorial matter advertising bread. Refer to Print and Label Examiner for consideration.
9. Lilly, Eli and Company (43449)--Class A. "Comparative Card for the Bedside Diagnostic Test for Typhus Fever." Work consists of small card with illustrations showing negative, weakly positive and strongly positive appearance of blood in tests for typhus fever. Resolve doubt of sufficient copyrightable material to support registration in favor of applicant.

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10. Conner Publications, Inc. (37675)--Class B. "You and Your Child, January, 1941, and February, 1941." Examiner sustained. Year date not in notice. Also notice lacks name of copyright owner. Reject.
11. Sargent, L. Carl (42566)--Class B? "A-Wisdom, Serial No. 189." Register as applied for. Name appears in juxtaposition to notice, and this name is the business name of the publication.
12. Henry, Albert R. (43764)--Class B? "Fedders News." Material unfolds into a single sheet advertising articles of merchandise. Definitely KK material. Request KK applications and additional fees.
13. Hammond, C. S. & Co. (42486)--Class F. "Oceania, The World, etc." Examiner sustained. Two different sets of maps on separate sheets apparently intended for separate distribution. Request two registrations.
14. Wess, Henry Irving. (38914)--Class C. "American Poems by and for Americans." Enter work as originally deposited. Do not remove doubtful registrable matter sent as a part of the deposit.
15. Embalmers Supply Co. (43082)--Class A. "Spot-Out Complexion Matcher." Examiner sustained. Work consists of a cardboard sheet with various colors to be placed next to the skin to determine the "complexion matcher" to be used to cover a disfiguration.
16. Goodrich, H. L. (No Fee)--Class ? "Asbestex, American Asbestos Co." Refer to Print and Label Examiner for consideration since work advertises an article of merchandise and is on a single sheet.
17. Green, Harry (52534)--Class H. "George Washington (Gilbert Stuart)" and 7 others. Reject as reproductions of a work of art. Notice not on face of prints.
18. Hill, Wycliffe A. (34869)--Class ? "Rice Players Little Robot." Copy deposited June 4th is the device itself, with superimposed movable discs. Reject. Examiner sustained. *First on MP-762*
19. Oringderff, Kenneth K. (40251)--Class A. "Feeda-Ration Slide Rule." Examiner sustained. Work is a device. Reject. Examiner sustained.
20. Puri, Ram Nath (33101)--Class A. "India in Pictures Cartoon No. 5." Inadequate notice. Copy deposited is not a periodical, lacking articles by various authors.
21. Bakers Educational Society (78966)--Class B. "Bakers Bulletin, Vol. 1, No. 6, November, 1940." Accept date of publication and register as applied for, since Office has failed to get a reply to three previous letters.

Minutes of the Revisory Board, June 27, 1941, page 3.

22. Country Press, Inc. (41223)--Class A. "Hoey Annual No. 11."
Send copy of work to Post Office Department for examination.
Also on MP-785.
23. Arce, Jose Maria (39578)--Class A. "Conversacion Espanola." Register as applied for. Manufacturing provisions of Act not applicable. Author is a citizen of Costa Rica in states for summer session work. Work is in a foreign language, and applicant does not claim domicile in the United States. *Also on MP 809*
24. Douglas Aircraft Co., Inc. (41124)--Class A. "Aircraft Riveting Manual."
Work is used in connection with defense and must, therefore, have a limited publication. Do not question publication. Send copies to Rare Book Room after registration has been completed.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
June 30, 1941

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

Total time consumed 10 mins.
Unanimous decisions 4

1. Veach, Charles Morris (44264)--Class ? "Discovery of a hitherto unknown physical entity which is non-chemical in substance." Applicant called at Office explaining that work is delivered orally. Register as a lecture as applied for.
2. American Blower Corp. (Deposit)--Class KK? "Ventura Penthouses, Series 82". Work as deposited meets description of a "commercial print". Upon correspondence applicant advises that work is distributed to salesmen and reaches customer only after the "penthouse" has been sold. Register as A1 as originally applied for.
3. Brown, Nathan M. (44221)--Class A. "Stock Yards Supply Company, Morristown, Tennessee, Catalog No. 18." The three elements of the copyright notice, not in immediate juxtaposition to each other, are intermingled with text matter at bottom of the title-page. Register but write pointing out safer course of action with respect to notice appearing on copies of future publications.
4. Buscall, D. C. (No Fee)--Class K. (No Title). Blank forms not copyrightable. Pictorial border appears to be printers' stock design. Reject.

MINORITY MEMORANDUM

June 30, 1941

Resitters: Mrs. Ruth Adele Hillard

Title: "Daddy's Friend"

Question: Whether a pictorial illustration containing a poem in the public domain wherein the notice of copyright is inscribed directly in connection with the poem and blocked away from the pictorial content can be registered as a print.

The applicant in 1937 first applied for registration of this poem, submitting an unpublished, longhand copy. This application was naturally denied registration upon the ground that the work had not been published.

This year (1941) the applicant again applied for registration of this poem, this time based upon its publication in THE BIRMINGHAM NEWS of May 17, 1941. The poem, however, this time had been published without notice of copyright; thereby forfeiting the copyright and the application accordingly was again rejected.

On June 18, 1941 the Office received an affidavit from the claimant stating that she wished to copyright the "said poem, together with an illustrative drawing depicting a father and a girl child, which is also her original design." It is obvious that here again the primary purpose of the claim is to secure copyright registration for her poem. On the print submitted, the poem itself is prominently displayed, printed inside of an elaborate frame. At the bottom of the poem still inside of the frame and directly in connection with the poem appears a notice of copyright reading, "Copyright, 1937, by Ruth Adele Hillard."

Mr. Wise and Mr. Smith are of the opinion that an application on form E, classifying the entire work as a print, would be acceptable. Mr. MacCarboney, on the other hand, feels that what the claimant is obviously trying to do is to protect the poem primarily since this is the third attempt she has made to secure registration. No notice of copyright appears in connection with the pictorial illustration, the only notice, as above stated, applying to the thrice rejected poem. This notice is intended for a duplicate of the notice appearing upon a printed card reproducing the poem but which was rejected because the copyright had been forfeited by publication in the newspaper without a notice. This member of the Board, therefore, is of the opinion

June 30, 1941

that there is no notice of copyright relating to the print and since the poem is in the public domain registration for the entire work should be denied. This in effect supports the examiner.

Respectfully,

R. S. MacCartney

Register, using copy received on June 16, on deposit of another copy with application on Form K, giving date of publication of the print. (NAR, 6-30-41)