

MINORITY MEMORANDUM

Sept. 2, 1941

Remitter: Barbizon Corp. (57367)

Title: "Barbizon Fall Style Book"

Question: Is copyright notice properly placed upon the copies?

Upon the front cover of the deposit is but a single word, "Barbizon." The first sheet of the book is blank on both sides. The next sheet contains what can be considered a preface on one page, headed by the title, "154 Words to You," the rear of which sheet is blank. The third sheet has a heading "Barbizon," in a type similar in style and size to that found on the front cover. Immediately beneath this name are the words, "Price List and Index." The reverse page of this sheet is blank. On the following sheet the price list and index are continued, and at the foot of this page appears the copyright notice. The title given on the application is "Barbizon Fall Style Book." This title does not appear anywhere upon the copy.

Mr. Smith is of the opinion that the copy is properly identified by the title "Barbizon"; that the page containing the index bears the title "Barbizon" as prominently as found on the cover, and therefore this page can be considered the title page. The notice is on the following page.

Mrs. Brady and Mr. Pforzheimer, however, contend that the notice is not on the title page or the page immediately following the title page, and hence does not conform with the provisions of the copyright law. They recommend the application be rejected.

L. C. SMITH

Accept notice. Register as applied for.--W.H.Wise, after consultation with Col. Bouvé.

MAJORITY MEMORANDUM

Sept. 2, 1941

Remitter: Ben-Horin, Nahum (Rabbi) (56201)

Title: "The Star Spangled Banner; President Roosevelt's Call to Nation to Defend Liberty, etc."

Questions: Is the deposit under consideration subject matter of copyright?

The undersigned accept the description of the work given in the Minority Memorandum. They take issue, however, with the minority opinion, in that they contend that the arrangement of the matter upon the copy in color, with the well-balanced arrangement of the stars and bars, in addition to the print of President Roosevelt, is such that it can constitute material falling under the category of a "print." It must be admitted that the work is a "writing of an author," some of which appears to be original while other portions are in the public domain. Section 4 of the Act provides, "That the works for which copyright may be secured under this Act shall include all the writings of an author." It is the belief of the undersigned that the best classification to use is the one selected by the applicant, that is, Class K. The majority members of the Revisory Board do not agree with the minority in holding that the work "might be the subject matter of design patent."

L. C. SMITH

W. L. PFORZHEIMER

Resolve doubt in favor of applicant. Make registration under Class K on appropriate application--W.H.Wise, after consultation with Col. Bouvé.

MINORITY MEMORANDUM

Sept. 2, 1941

Remitter: Ben-Horin, Nahum (Rabbi) (56201)

Title: "The Star Spangled Banner; President Roosevelt's Call to Nation to Defend Liberty, etc."

Question: Is the deposit under consideration subject matter of copyright?

This deposit which is the subject of this memorandum is a square of silken material about eight and a half inches in size, and described by the applicant as a handkerchief. It is highly embellished with prints and text and presumably might be the subject matter of design patent protection as a new, original and ornamental design for an article of manufacture. It could not in the opinion of the undersigned be considered a work of authorship, as there are no original contents, only a well-balanced arrangement of two prints and two short texts which are taken from the public domain. To particularize. In the center of the upper half of this handkerchief two verses of "The Star Spangled Banner" are printed in a colorful blue ink. These verses are flanked on the left by a print of the flag of the United States, and on the right by a print of a familiar photograph of Franklin D. Roosevelt, thirty-second President, set in a frame of stars and laurel leaves and surmounted by a spread eagle. This upper half of the handkerchief is divided from the lower half by short lines of red, white and blue bars on each side, with a connecting line of four stars—a red, a blue, a red, and a blue star. The lower half of the handkerchief reproduces in the blue lettering four sentences from President Roosevelt's 4th of July address to the nation. Under this text is a single sentence: "\$130,000,000 Strong United We Stand." More red and blue stars and bars follow this sentence, and the statement: "Compliments of The United Fund For Refugee Children." There is a well-balanced arrangement of the several elements employed, and a striking effect achieved by the red and blue printing on the satiny surface of the deposit which makes a united design that could be considered pleasing to the eye. But as there is no original content in work, and nothing but an arrangement of material taken from the public domain, the undersigned would reject. There is too much text present to justify the majority suggestion, that registration as a "print" on pictorial illustration would be acceptable.

M. C. BRADY

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 4, 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. Pforzheimer.

Total time consumed, 1 hr.
Unanimous decisions, 11

Mrs. Rafter attended the first half of the meeting in connection with corrective entries.

Corrective entries:

1. Herscher, Louis (No Fee)--E²-266048 & E²-266051. "You've Got Me Guessing" and "Hollywood Knights." The applicant wishes to make a corrective entry merely to include his pseudonym in the author line. The Revisory Board is of the opinion that no such corrective entry should be made.

Usual copyright business:

2. Universal Book Cover Co. (54420)--Class A. "Universal Book Cover. Directions." Deposit consists of a regular sheet of heavy paper on one side of which there is text and pictorial matter furnishing directions for using the sheet of paper as a book cover. The copyright notice is upon these directions. The applicant in his letter states: "We wish to register the inside drawing and directions for applying." The Examiner rejects, holding that the work is an article of manufacture ^{and} not subject matter of copyright. The Revisory Board, however, is of the opinion that the deposit should be accepted as containing copyrightable material. A new application, however, should be filed giving the correct title, and the applicant should be advised as to the form of the copyright notice as provided by the statute, as the present copyright notice may be held to be questionable in that the name of the claimant is separated from the words "Copyright 1941" by a line and the words "Manufactured exclusively by."
3. Dictaphone Corp. (51993)--Class A. "Work Sheet for Selection of Salesmen. Form P-657" & 1 other. The applicant states in his letter:

"In the first place, none of these copies have been placed on sale, sold, or publicly distributed. They have been issued to regular salaried and commissioned employees of our company as part of a prescribed interview and selection procedure."

He further points out in his letter that he placed the copyright notice on the copies and took the present action as the result of the suggestion of the Company's attorney, and adds:

"We are in hope that you will grant the copyright."

The Examiner does not question publication. The Revisory Board, however, is of the opinion that in view of the applicant's statements in his letter that the works have not been published, and therefore registration cannot be made.

4. Meyer, Richard A. (32726—fee rtd.)—Class A. "Swivel Liberties." The deposit contains very objectionable matter not only in its phraseology but in its content. The Revisory Board holds that the deposit is not subject matter of copyright, as the text is obscene and derogatory. Rejection of the application is recommended, and further the material should be referred to the Register of Copyrights for possible submission to the Federal Bureau of Investigation.
5. Case-Hoyt Corporation (16868)—Class A. "Silverscope." Action of the Revisory Board refers only to one of the works which is included in the unfinished business envelope. The deposit is a folder inside of which is a device consisting of a revolving disc which as turned will furnish information concerning the proper table settings for silverware and other essential data. Elsewhere upon the copy is considerable text matter and pictorial matter. The copyright notice is so placed that it is upon that portion of the folder which contains the revolving disc. Its position, however, is such that it can refer to the complete work, and hence there is text and pictorial matter separate and distinct from the device itself to which this copyright notice does refer. This work, entitled "Silverscope," is registrable, and entry should be made as applied for if no other informality exists. *Also on MP-888 & 893.*
6. Doubleday, Doran & Co., Inc. (Deposit Account)—Class A². "One Thing In Common." M. Powers who handles the copyright matters for this publisher addresses an unusual letter to the Office, in which a request is made that this Office should advise her as to the proper application form to use and how it should be correctly filled in by examining the copies submitted in advance of an application. The Examiner points out that the Office cannot take on this additional examination of the copies prior to the receipt of the application and suggests that a very careful letter be written to Miss Powers explaining to her on what occasions the various book application forms should be used, and to point out again, as we have in previous correspondence, that application forms are not to contain extraneous matter. The Revisory Board supports the Examiner in this recommendation.

7. Barnett & Truman (54788)--Class A. "You're a Shower of Joybeams To Me." This Office has already rejected the work as not published. The two copies of the poem deposited to which a copyright claim is made are typewritten, and suggest that they are not reproduced in any quantity. The attorney for the copyright claimant has not only written this Office but called personally on Sept. 3, 1941. He admits in his letter that but four copies have been distributed, and that they were only to casual acquaintances of the copyright owner. The attorney points out that this distribution was made without any limitation or restriction, with the hope that it would create and stimulate public demand for additional copies. Regardless of these arguments on the part of the attorney to show that the work was published, the Revisory Board holds that there has been but a limited distribution not amounting to publication as understood in the copyright law.
8. Zugelter & Zugelter (Deposit Account)--Class A (?). "The Golf-o-Graph (Score card)." The Examiner does not make any very definite recommendation, but only suggests that the copy contains very slender material for copyright purposes. The Revisory Board is of the opinion that it is a blank form, thereby supporting the Examiner in her original recommendation made before the receipt of the present argument from the attorneys of the copyright owner, that the work is subject matter of copyright. The deposit is nothing but a blank form upon which can be noted the distances of golf shots. Space is provided not noting the scores for eighteen holes. A few words of instructions on how to use the chart and one sample blank filled in form a part of the deposit.
9. Schulz, Justus J. (57493)--Class A (?). "Mental Pictures and My Bowling Scores." The deposit consists of forms for scoring bowling games, in addition to blank spaces for noting a memorandum of the mental condition of the player. A few lines of text matter appear immediately beneath the title upon the copy. The Examiner does not reject on the basis that this is a blank form, but suggests that publication of the work be questioned. The Revisory Board is of the opinion that the work should be rejected outright as a blank form.
10. Taylor, E. J. (56600)--Class A. "Reports of Cases Decided in the Supreme Court of the State of North Dakota. Vol. '70." This case was before the Revisory Board on Sept. 2. The Board now reconsiders its action and reverses itself, thereby supporting the Examiner in her original recommendation. *Also MP 961.*
11. Loederer, Richard A. (24917)--Class A². "Immortal Men of Music." The Examiner requests that the applicant remove from the statement of new matter reference to the book jacket in which the copy is placed. The Revisory Board is of the opinion that the book jacket is an integral part of the work, and recommends that the application as submitted be accepted as regards the statement of new matter. The Revisory Board, however, is of the opinion that the applicant should be questioned as to whether the copies he submits are of the best edition. *Also on M-P 913, 919.*

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 5, 1941

The Revisory Board met at 3:30 P.M. and adjourned at 4:20 P.M.
Those present were: Mr. Smith, Mrs. Brady and Mr. Pforzheimer.

Total time consumed, 50 mins.
Unanimous decisions, 8

1. Cote Press, Inc. (No Fee)--Class G-2. "V for Victory." The deposit consists of an unpublished drawing with a G-2 application which refers to the work as "Design for costume jewelry." Explain registration can be made for the unpublished drawing but that the application must omit reference to the ultimate possible use of the work as an article of manufacture. In reference to this case, the Chief Examiner brought to the attention of the Revisory Board that there was received approximately at the same time as the present work a letter from the Eagle Printing and Binding Co., which sent a published copy of this drawing bearing a copyright notice in the name of a person other than the copyright claimant of the unpublished drawing. The copyright notice upon the print contains the name of L. B. Hendershot, while the copyright claimant of the unpublished drawing is Ambrose Bernard Cote. The Revisory Board suggests that when the letters are written to the respective remitters of these two different applications that this matter be brought to their attention, and that an explanation be requested.
2. Kunz, A. H. (39529--~~Reconsider~~)--Class A. "Practical Ideas to Success." This matter was before the Revisory Board on August 14, 1941, and is now being reconsidered in view of the applicant's letter dated August 28. It is doubtful from the contents of that letter that the work has been published, as the applicant makes a statement that he wishes to secure the copyright certificate from this Office before he uses the work. A letter should be written to him explaining how copyright is secured in the case of a book, and inquiry should be made as to whether he has actually distributed copies of his work bearing the copyright notice.
3. Staniford, Paul (24402--fee rtd.)--Class D-2 (?). "What's Cooking?" The deposit is a narrative work containing a little dialogue but not of such dramatic character throughout that it could be termed a dramatic composition. There are numerous places in which the author states that one of the characters peaks to another, but he does not tell what that particular character says. In the main, the work is

descriptive in character and narrative in form, rather than dramatic. The Examiner is sustained in rejecting the work as a dramatic composition.

4. Horton, Frank Reed (54858--fee rtd.)--Class ?. "Poetry Writing and Appreciation." The Revisory Board is of the opinion that what the applicant has deposited is a "book." The author in his foreword speaks of the work as a book, and states: "This book was written as a text for Freshman English in college." The applicant was advised that registration could not be made for his work as an unpublished book, which had been submitted with a Class C application. He replies, however, that his work is a lecture. He should now be told that the work is of the character of a "book," and that he has so designated it in his foreword, but that the Office will further consider his lectures which he has delivered if he will deposit copies of them in the actual form in which they were presented. Each separate lecture will require a separate registration.
5. Jewish Publication Society of America (No Fee)--Class A. "Readings From the Holy Scriptures for Jewish Soldiers and Sailors." The deposit consists of selected passages from the Old Testament. The selection it appears has been a careful one, as only certain verses from certain chapters in each book are found in this compilation. The Examiner holds that there are insufficient grounds for entry, in view of the fact that the applicant's letter stated it is a condensation of "The Holy Scriptures." The Revisory Board, however, contends that there is sufficient compilation present in the selection of the particular verses from the various chapters of books from the Old Testament, so as to justify registration of the copyright claim.
6. Scott, Foresman & Co. (Deposit Account)--Class A (?). "Classroom Activities." The deposits filed by the applicant represent various issues of a publication which appears approximately twice a year but not with any regularity or on any definite dates. Some issues in the past have been registered as periodicals. These deposits, however, came before the Revisory Board on August 6, at which time the Board recommended that the deposits be considered under the classification "A" as books, and not under Class B as periodicals. The applicant now writes that it would rather register the works as periodicals than books. It should be pointed out to the applicant that in the masthead on page 2 of the 1939-40 issue there is a statement that the work is not a periodical. Hence the applicant itself has published a statement that the work is not a periodical, and that should be brought to his attention, with a further statement that this Office is of the opinion that the works should be properly registered under the classification "book."

7. Power, R. A. (58337)—Class A. "Unit Chart System (Revised) for Balancing Dairy Rations." The name of the copyright claimant appears immediately above the words "Copyright 1941," in the following manner--

"Devised by R. A. Power, Viroqua, Wis.
Copyright 1941"

The Examiner would reject the work as bearing no copyright notice. The Revisory Board, however, is of the opinion that entry should be made but that the applicant should be warned as to future editions of his work so that the name of the claimant will be definitely associated with the word "Copyright" and the year date of publication. *Also on M-P901.*

8. Grogan Photo Service, Inc. (58278)—Class A. "Ohio's State Memorials" & "12 Genuine Photographs Glacier National Park." The applicant has deposited in this Office works falling under the classification "book," but so unusually bound that it is difficult to readily identify what is the title page of the work so that it can be determined whether the copyright notice is in the proper position. The deposits consist of a folder containing a number of photo views. The ends of the folder are so constructed that they form a flap which when properly latched makes the work easily handled when sent through the mails. It is similar to the usual pad of photographic views which can be purchased where postcards are usually sold. The Revisory Board holds in one case that what would ordinarily be the back cover can be considered the title page as to the position of the copyright notice, because all of the pictorial views are placed so that they start from that back cover and page over towards what would appear to be the front cover. The other work is the reverse, and hence must be rejected because the notice is on the back cover.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 6, 1941

A special meeting of the Revisory Board was held at 11:30 A.M. and lasted from 11:30 to 11:50. The Chairman could not be present, and Mr. MacCarteney who knew all of the facts in connection with the particular case to be discussed was named by Mr. Smith to take his place and to meet with the other two members of the Board, Mrs. Brady and Mr. Pforzheimer.

Total time consumed, 15 mins.
Unanimous decisions, 1

1. Moese, Charlotte W. (50664)--Class G. "Handpainted Sailfish Picture; 'God Give Me Grace, etc.'" This is a most unusual case, in which the Office has on several occasions ignored letters from the applicant requesting an immediate response, and enclosing sufficient air mail postage to make possible a more prompt reply. It appears that on each of these occasions the clerks in charge merely placed within the unfinished business envelope the letters and air mail postage without making any attempt to get the correspondence to the proper person for reply. On this date, Mr. MacCarteney has had the material referred to him and he immediately noted the need for rapid action. The Board recommended that a letter be sent at once to the applicant, to be placed in that day's mail, advising her to immediately place the correct copyright notice on the copies, and that if as ^{appears} to be the fact she may have already distributed without correct notice, recall of them should be made so that the correct copyright notice could be placed upon them. Those to be recalled are the paintings which the applicant states she has placed in the hands of a department store, sale of which is being withheld pending action by this Office. The applicant was further sent the correct application form and instructions for registration of the copyright claim. After the mailing of the letter the material was all referred to Mr. Wise so that he could take such action as required to prevent a reoccurrence of a similar delay after the applicant has more than once asked the Office for information with the request that it be sent air mail, and including the required postage. Also on M-P.895.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 8, 1941

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

Total time consumed, 1 hr. 30 mins.
Unanimous decisions, 11

Mrs. Rafter attended the first half of the meeting in connection with one corrective entry.

Corrective entry--

1. Authors' League of America, Inc. (A⁵-117668). "All Through the House" in "Cosmopolitan" January 1941. In the applicant's original application, December 20, 1940 was given as the date of publication. It is now brought to this Office's attention that the correct date is December 4, 1940. Suggest corrective entry.

Usual copyright business--

2. Farm Journal, Inc. (Deposit Acct.)--Class B. "Farm Journal & Farmer's Wife, Vol. 65, No. 9, Sept. 1941." This matter came before the Revisory Board on August 29, 1941. It is again being considered for the purpose of writing a letter to the applicant advising that a new application be filed on the form now being used by this Office, and further that a supply of these new forms be furnished this concern for their future use.
3. Case-Hoyt Corp. (16868 & 57097)--Class A or KK? "Silverscope."

This matter was before the Revisory Board on Sept. 4, 1941. At the completion of the meeting the deposit was shown to the Register of Copyrights, as it was thought he would be interested in noting that the Board had considered the work not a device under the new rule of this Office. He was advised that the Board had agreed to entry as applied for, that is, under Class A. The Register of Copyrights then suggested that the matter again be brought before the Board for consideration by them as to the feasibility of referring the deposit to the Print & Label Section for consideration to determine if the work could be considered under Class KK. This the Board has done, and the material now is referred to the Print & Label Examiner. Following his action the material will then be returned to the Revisory Board for their further consideration. *Also on M-P, 893.*

4. Woodling and Krost (37755)--Class A. "Lubrichart." This matter was before the Revisory Board on May 28, 1941, at which time the Board divided as to whether or not the work was a device. Mr. Howell supported the minority member in holding that the work did fall under the definition of a device as then recognized by this Office. The material is now before the Revisory Board again for consideration under the new rule of this Office in reference to devices. The Board at this time is of the opinion that the work contains subject matter of copyright, and that the copyright notice covers such matter. The applicant has filed an I-1 application. The Board, however, suggests that registration be made under Class A, and that an A-1 application be requested.
5. Sinclair, Upton (No Fee)--Class A. "Peace or War in America." There was published with copyright notice in the name of Upton Sinclair the work in question. Deposit was made of two copies, but upon this Office requesting application form and fee, Upton Sinclair advises the Office that he had no authorized the placing of the notice in the book giving his name as copyright owner but that act was an error, on the part of his publishers. The Revisory Board, however, contends that copyright came into existence, that there was compliance with the provisions of the copyright law by publication of the work with the notice, and that it is not possible for the copyright claimant appearing in the notice to fail to make registration. It should be pointed out to him that registration should be made, and that then if he wishes he can waive all of his claim to the copyright in the work by placing a suitable addendum in each copy to that effect. However, it should be pointed out that when he takes this action he should take into consideration the rights of the co-author of the work.
6. Moore, John Lucius (50686)--Class E² or E³. "Apples of Gold." The Revisory Board sustains the Examiner in requesting the applicant to furnish additional information regarding the musical composition, as it is not clear of what the work consisted which each author prepared.
7. Lapham, Claude, Music Publications (58498)--Class E. "Dream Melody." The deposit is a printed professional copy of a musical composition carrying the copyright notice. The Revisory Board sustains the Examiner in questioning whether the work is unpublished at this time, as the applicant files an E-2 application. There is also a question as to whether the material requires either an E-1 or an E-3 application, as it would appear that the copyright is based upon the new matter of which the copyright claimant is the author, the original work being by Tchaikowsky.
8. Auto Bingo Co. (58019)--Class A. "Auto-Bingo." The deposit consists of a single piece of paper upon one side of which appears the

usual bingo gameboard for the playing of that game. On the reverse are the rules for playing this particular type of bingo, by taking the last two numbers found on auto license plates as one drives down the road. The copyright notice is not on the side of the rules but is placed immediately beneath the bingo gameboard. The Revisory Board rejects, holding that the notice refers to the bingo board and not the rules.

9. Protane Gas Service (No Fee)--Class A. "Please--Due to conditions created by our Government's rearmament..." The applicant submits a copy which is in the form of a postcard, on one side of which appears a few sentences suggesting to the gas consumer what action is to be taken as a shortage develops in his gas supply. It is a mere factual statement, containing no original copyrightable authorship, and the Board so holds. The applicant should be advised to that effect, and further it should be pointed out that the work does not bear a copyright notice and that none should be placed thereon in the opinion of the Office.

10. Herz, Harry (Mrs.) (57650)--Class K. "Tower of Jewels at Night--No. 58" & 66 other picture postcards. In the present case, the Board considers only one of the many deposits for which the Examiner has made recommendation. In the case of this particular work, the Examiner's recommendation is indefinite, in that there is no indication whether she accepts or rejects. The Examiner merely points out in her recommendation that the work bears two copyright notices, one C within a circle followed by the initials H.H., and the other C within a circle followed by the surname of the claimant. The name of the copyright claimant appearing upon the application is "Mrs. Harry Herz--Gussie Herz." The Revisory Board is of the opinion that the full name of the copyright claimant does not appear upon the copy, and therefore the present notice is not acceptable and the application should be rejected. *Also M-P. 934.*

11. Associated Music Publishers (55913)--Class R. "Suite aus Studenten." The matter before the Revisory Board in this case is a renewal application which refers to a work entitled "Suite aus Studenten. Music (1654) von Johann Rosenmüller, herausgegeben von Arnold Schering, für 2 violinen, 2 violen, violoncello, mit contrabasso u. begleitendes klavier. (Perlen alter Kammermusik, zweite Folge, no. 4)." Lines (1) and (2) of the application state that the renewal copyright is claimed by Fraulein Alfhild Schering, as "daughter of author of arrangement." It is the opinion of the Revisory Board that no question should be raised regarding the particular application, for the renewal application itself refers to the author as "author of arrangement" in line (1), in which the basis of the copyright claim is given, and, second, that the word "herausgegeben" can be interpreted to be more than mere editing, and is suspected in the present case to be the resolution of Figured Bass of Arnold Schering. The Examiner was in doubt herself

as to whether the work was mere editing. In view of this Examiner's doubt, and the belief of the Revisory Board that there is possibly more than mere editing in the work, the doubt should be resolved in favor of the renewal applicant, and registration made in the name of the renewal claimant. It should be noted that in the present case it is not possible to secure copies from the Music Division of the work which was deposited in connection with the original registration of 1914, and hence it is not possible for this Office to obtain from its records any definite information which removes the doubt that the work does not contain musical matter.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 9, 1941

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

Total time consumed, 1 hr.
Unanimous decisions, 9

1. Egolf, Willard D. (59383)--Class A. "Auto-Tago." This work is similar to the one which was before the Board on Sept. 8, 1941. The name of the remitter in that case was Auto Bingo Co. The difference between the deposit in the present case and that of the Auto Bingo Co. is that the copyright notice in the present instance appears upon the rules and not upon the gameboard. Registration of these rules can be made under the classification "book," but the applicant should first be requested to file an application in which shall be given the title "Rules for Auto-Tago." No reference should be made in the application to the word "game," nor should the application include the statement that the method of playing is included in the copyrightable matter.

2. Sylvester Music Co., Ltd. (13039-1940)--Class E for. "Dialogue." The notice upon the copy appears to be that type of copyright notice which is identified as "a notice of assignment" in the Memorandum issued in 1937 by the Register of Copyrights in connection with matters of this kind. The present Revisory Board, however, is of the opinion that this English publication bears a copyright notice sufficient for registration of the copyright claim in this Office. The notice upon the copy appears as follows:

"Copyright 1940 assigned to Sylvester Music Co. Ltd. for the British Empire, America, and all other English speaking territories, Holland and Belgium and their respective Colonies and Possessions. Copyright 1931 by Julien Porret, France."

In view of the fact, however, that the Revisory Board feels bound by the Memorandum just referred to, the recommendation is made that the matter be referred to the Register of Copyrights for consideration. A memorandum will be supplied furnishing the arguments of the members of the Board in favor of registration. Also M-P. 923, 754

3. Brown, Arthur C. (W.R. 37466)--Class ?. "Rapirate Perpetual Clearance Chart." This matter was before the Revisory Board on July 2, 1941, at which time the Examiner was sustained in rejecting the deposit as

a device. Further consideration of the case was given in view of the rule recently established in connection with devices. The Board continues to be of the opinion that the work must be rejected as a device.

4. Case-Hoyt Corporation (16868 & 57097)--Class KK. "Silverscope." This matter was before the Board on Sept. 4 and again on Sept. 8 of this year. At the last-mentioned meeting it was suggested that the deposit be turned over to the Print and Label Section for consideration. The Print and Label Examiner suggests that the work be registered as a commercial print. The Revisory Board sustains the Examiner in this recommendation.
5. Prentice-Hall, Inc. (Deposit Acct.)--Class A. "Contents and a Sample Chapter from 'The Gist of Mathematics'." The Examiner recommends rejection of the application, holding that the deposit has not as yet been published. The letter of the applicant contains the following statement:

"This is not a reprint, either with or without corrections, of a chapter from a book already published. The book from which this material has been printed has not yet been published. We have printed merely this portion of the book in order to obtain the reaction of professors, instructors, and other interested persons to the book on the basis of the contents and this sample chapter. We are applying for copyright in this chapter in order to prevent any person's plagiarizing the material."

In view of this statement, the Revisory Board is of the opinion that the work has been published, and registration should be made as applied for if the Examiner does not discover any informality in the application.

6. Marlow-Burns Development Co. (58598)--Class A. "Moonlight Home Show." The Print and Label Examiner refers the deposit to the Revisory Board for consideration. The Revisory Board is of the opinion that the work is a "book" and not a commercial print, in that it is advertising real estate for sale. Real Estate is not an article of merchandise, as was held a few weeks ago when a similar case was before the Revisory Board and on a divided opinion of the Board the majority prevailed in holding that a work which advertises a sale of homes actually attached to the soil is not to be considered a commercial print.
7. Fetty, Clarence L. (58792)--Class KK. "Kem-I-Kal..." The Print and Label Examiner refers the deposit to the Revisory Board for consideration to determine whether the work is a commercial print. The Revisory Board is of the opinion that the work should be registered under the classification "book," in that it advertises a service and not an article of merchandise.

8. American Bank Note Co. (58059)--Class K. "State of Illinois-24 bottles 12 oz. ea. Case Stamp Series No. 1" & 22 others. The deposits consist of State liquor tax stamps. It appears that only two plates were engraved for the making of the stamps, one for each of the two separate groups deposited. The only difference between the individual stamps in each group is the amount of the tax and the quantity of liquor or beer covered by the tax. All the stamps were published on the same date. The Examiner is of the opinion that registration should be made only for one stamp of each group, and that the applicant should select which one of the stamps in each group it should be. In view of the fact that all of these works were published on the same date, the Revisory Board is of the opinion that registration should be made for each individual stamp as applied for.

9. Associated Music Publishers, Inc. (56578)--Class R. "Alte Meister aus der Frühzeit des Orgelspiels...etc." This is a renewal case, similar to the one which was before the Board on Sept. 8, 1941. The Revisory Board overrules the Examiner of music material, in holding that registration should be made for the same reasons it gave in yesterday's case. The original compositions upon which the present work is based were written more than four centuries ago, and the Revisory Board is of the opinion that the applicant should be given the benefit of the doubt that the statement "herausgegeben" von Arnold Schering means that the work contains more than mere editing, as it is believed that the new matter consists of resolution of the Figured Bass. The renewal application should be passed for registration as applied for. Also on M-7896.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 11, 1941

The Revisory Board met at 2:15 P.M. and adjourned at 3:15 P.M.
Those present were: Mr. Smith, Mrs. Brady and Mr. Pforzheimer.

Total time consumed, 1 hr.
Unanimous decisions 11
Divided decisions 1

1. Stephens, Frances (58432 & 59534)--Class ?. "Perfumed Soap Flakes for Luxury Laundering" & 6 others. The Examiner is sustained by the Revisory Board in holding that the deposits do not fall under Class G and are not subject matter of copyright, in that they do not contain any original copyrightable authorship. It appears that the claimant desires to cover the idea. A letter should be written carefully explaining the reasons for the rejection and refunding the fees now to the credit of the applicant in this Office.
2. Moese, Charlotte W. (50664)--"Handpainted Sailfish Picture-- God Give Me Grace, etc." This case was before the Revisory Board on Sept. 6, 1941. Additional material has since been received from this copyright claimant, and the Revisory Board recommends that before any final action can be taken upon this it should be filed until a response is received from the applicant in reference to Copyright Office letter dated Sept. 6, which incorporated the action of the Revisory Board in connection with similar material. (Class G).
3. Buckeye Union Casualty Co. (59238)--Class K. "Three-Weeks Old Cocker Spaniel Puppy" & 11 others. The deposit consists of twelve pages of a calendar, each page in addition to the calendar bearing a very attractive print made, as it is stated upon the copy, from an original drawing. The Examiner is correct in stating that there is no collective notice for the work as a book, but the Board overrules the Examiner in holding that each print is subject to registration under Class H. The Board recommends Class K applications be filed.
4. National Cash Register Co. (Deposit Acct.)--Class ?. "The Little Man." The material has been the subject of correspondence between the Copyright Office and the copyright claimant on a number of occasions, and deals with an attractive statuette used for advertising

purposes in connection with the sale of National cash registers. It has been the belief of the Examiner, supported by the Revisory Board in this instance, that the statuette entitled "Little Man" should be protected by design patent as an advertising novelty. The arguments of the applicant's attorney have been studied, but the Revisory Board contends that they contain nothing to show that the Office's original recommendation for design patent is wrong.

Also on M-P905, 929

5. Fleming, William E. (59753)--Class ?. "Mr. Slicker Shurtz." The work deposited is a print, but the question is should it be KK. The Revisory Board recommends that inquiry be made as to how the character is to be used, and the applicant should be advised that no copyright protection can be secured for a trademark.
6. Demorest, Claude S. (No Fee)--Class ?. "Square design with star in each corner; sphere and corona in center" & 1 other. The applicant wishes to secure copyright for a card design. He does not especially identify the deposit to enable this Office to call them playing cards. The Revisory Board does not wish to sustain the Examiner in rejecting these works as playing cards at this time, but suggests that inquiry be made to determine how the cards are to be used, and that it should be explained to the applicant that playing card designs are subject to design patent and protection should be sought in that field. If, however, what the applicant has deposited is a copyrightable print, then information concerning unpublished drawings and drawings published with a copyright notice should be furnished the applicant.
7. Associated Music Publishers, Inc. (56578)--Class R. "Alte Meister aus der Frühzeit des Orgelspiels ... etc." (E-337660). This matter was before the Revisory Board on Sept. 9, 1941, and was similar to the case for which the Revisory Board recommended entry on Sept. 8. In considering this case, however, it was not noticed by the Board that the applications differed in these two cases in that the basis of the renewal claim in the application considered Sept. 8 was that the renewal owner was the daughter of the author of the arrangement, while in the present case the renewal owner claims renewal copyright as "daughter of the author of editor." In view of the fact that the word "editor" is used, it is suggested that a letter first be written to inquire if there is any additional new matter than "editing" upon which the copyright claim is made.
8. Meyer, Richard A. (58693)--Class ?. "Nutzi 'Gestapo' Gazaboos in U. S. A." This case is similar to the one which was before the Revisory Board on Sept. 4, 1941, and the Board takes the same action at this time. The deposit is both obscene and derogatory in nature.

9. Jordeau, Jean, Inc. (58796)--Class KK ?. "Bouquet Jordeau (February, June & October)." It is the belief of the Examiner that the deposits are designs for containers. The Revisory Board, however, is of the belief that the deposits are actually containers to hold perfume or toilet water, and that registration can possibly be made under Class KK. The Board therefore suggests that the material be submitted to the Print and Label Examiner for consideration. *Also on M-P904.*
10. Colwell Press, Inc. (No Fee)--Class ?. "Book Cover." The deposit is a book cover for which the applicant requests protection. He identifies the work to be copyrighted as a "Book Jacket Design." The Examiner is sustained in rejecting the material and suggesting design patent for protection.
11. Washington Press of Worcester, Inc. (57691)--Class B. "Barrett Service Bulletin." The Print and Label Examiner recommends that Class KK application be requested instead of the A-1 which was filed with the deposit. The work, however, appears to be a bulletin issued periodically, and hence under the position taken by the Office some weeks ago, material which ordinarily would be classed as a commercial print but which is issued periodically as a bulletin, newspaper or magazine, should be registered as a periodical under Class B. It is therefore recommended by the Board that such action be taken in the present instance, and that a B-1 application be requested if actually this bulletin is being published at periodic intervals of more than once a year.
12. Gilbert, Lulu Evarts (55795)--Class A. "Drawings." The Revisory Board divides on this case. Mrs. Brady and Mr. Pforzheimer sustain the Examiner in rejecting the work as bearing inadequate copyright notice. Mr. Smith, however, contends that the notice is sufficient to justify registration of the copyright claim in this Office. The booklet consisting of four leaves within a cover contains nothing more than a single drawing upon six of the pages; the remaining pages are blank. Upon the cover appears the only text to be found in the deposit, and it reads as follows:

"DRAWINGS
Lulu Evarts Gilbert

Copyright applied for by the author

1941
The Messenger Press
Ellsworth, Kas."

The words "Copyright applied for by the author" are immediately beneath the words "Drawings Lulu Evarts Gilbert." At the bottom

of the cover page and a distance away from the words appearing at the top of the cover are the words "1941 The Messenger Press Ellsworth, Kas." Mrs. Brady and Mr. Pforzheimer hold that the copyright notice contains neither the name of the claimant nor the year date of publication. Even though the word "author" is used in the notice, they point out that there is no assurance to the public that Lulu Evarts Gilbert is actually the author of the work. Mr. Smith, however, is of the opinion that the work is not a printed literary publication, but rather is devoid of text matter and is actually a book of prints, and that because of the nature of the work, it is not absolutely essential that the year date of publication appear in the notice; that is, if the work falls under the classification of a print or pictorial matter rather than that of text matter. However, even admitting that the work is a book and therefore requiring the full notice, Mr. Smith contends that the word "author" in the notice identifies the claimant as being Lulu Evarts Gilbert, which appears immediately above the notice, and that the appearance elsewhere upon the copy of the year date 1941, identifies the year in which the work was published. Also M- P. 760, 934, 947.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 12, 1941

On this date all of the members of the Revisory Board gave further consideration to the cases involving "The Garden Wheel" and "Music Lover's Handy-Dial Guide to the Great Composers," deposited in this Office by Doubleday, Doran & Co., Inc. Three members of the Board, Mr. Smith, Mr. MacCarteney and Mr. Pforzheimer, were of the opinion that the first-mentioned work contains copyrightable subject matter even though there is present the mechanical feature in the form of a revolving dial. The dial which facilitates the use of the work is not essential for an understanding of the copyrightable text matter found upon the work. Rejection must be sustained, however, because the deposit bears a defective copyright notice.

In the case of the second-mentioned work, it was the belief of these three members that it fell under the category of a device, in that to the ordinary person not fortified with a special knowledge of the great composers the information appearing upon the work could not be understood without the use of the dial. The dial is an essential feature of the deposit, and therefore they approve the action taken by the Revisory Board on March 20, 1941 in rejecting the work as a device.

Mrs. Brady, however, did not agree with the other three members of the Board, in that she contends that both of these works are devices.

It is to be noted that in the case of both of these works this Office has already advised the applicant that the applications for registration of the copyright claims to them have been rejected.

The only reason that these cases were reopened at this time was to determine if there was any copyrightable material upon them which under the new rule ~~could~~ could be accepted with a proper application. In view of the fact that all of the members of the Board agree on rejection, though their reasons vary, it does not appear that any appeal upon the action of the Board need be taken, nor the applicant be advised of the conclusions reached by the Board on this date.

Meeting of
Sept. 12 - p. 899

MEMORANDUM

September 12, 1941

Referring to the works entitled "The Garden Wheel" and "Music Lover's Handy-Dial Guide to the Great Composers" deposited in this Office by Doubleday, Doran & Co., Inc.

The Revisory Board has opened for reconsideration on this date the cases involving the above-mentioned works.

It is the opinion of the undersigned that the first-mentioned work contains copyrightable subject matter even though there is present the mechanical feature in the form of a revolving dial. The dial which facilitates the use of the work is not essential for an understanding of the copyrightable text matter found upon the work. Rejection must be sustained, however, because the deposit bears a defective copyright notice.

In the case of the second-mentioned work, it is the belief of the undersigned that it falls under the category of a device, in that to the ordinary person not fortified with a special knowledge of the great composers the information appearing upon the work could not be understood without the use of the dial. The dial is an essential feature of the deposit, and therefore the undersigned approve the action taken by the Revisory Board on March 23, 1941 in rejecting the work as a device.

L. C. SMITH

R. M. MACCARTENEY

W. L. PFORZHEIMER

In reference to the above it is to be noted that the remaining member of the Board, Mrs. Brady, does not join in approving this memorandum, in that she contends both works fall in the category of a device, and that therefore "The Garden Wheel" must likewise be rejected as a device.

M. C. BRADY

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 13, 1941

The Revisory Board met at 11:30 A.M. and adjourned at 12:30 P.M.
Those present were: Mr. Smith, Mrs. Brady and Mr. Pforzheimer.

Total Time consumed, 1 hr.
Unanimous decisions, 8
Divided decisions, 1

Mrs. Rafter sat in for one corrective entry.

Corrective entry:

1. Bridges, I. B. (E unp. 266878)--"Then the Ship Begins to Move."
The musical composition was originally registered in the name of the composer. The author of the words now requests this Office to make a corrective entry which would give his name as composer and also as author of the words. No corrective entry possible unless there is furnished by the applicant a signed statement from the composer advising this Office that the application originally filed by him was incorrect and that he was merely an employee of the author of the words for the purpose of composing the music. The application if filed for the corrective registration should give the name of the present copyright owner. If therefore the author of the words is now assignee of the original copyright claimant then the name of the author of the words should be given as the copyright owner.

Usual copyright business:

2. Powers, Joshua B. Inc. (56429)--Class A or F. "Mapa 'Cleartype' de Manhattan' in Guia de la ciudad de Nueva York." The Examiner originally rejected the material holding that there was no copyright notice upon the text matter, there having been filed an application Form A-1. The applicant now replies by stating that he would like to have his copyright claim registered to the new matter which he has added to the map appearing on the copy. The Examiner is sustained in rejecting his application, in that there is no notice upon the copy which makes a claim to the new matter in the name of the applicant. The only notice which appears upon the map is that of the copyright claimant of the original map itself.
3. Oliver, Francis W. (20245--refunded)--Class ? "Impedance Match Calculator." The Revisory Board considers the deposit a device. It is true there is text matter on the back of the device, and it is upon that portion of the deposit upon which appears the text

- matter that is found the copyright notice. The text matter, however, consists of nothing more than instructions for the use of the device, and therefore is essential to the device and must be rejected as a part of the device.
4. Power, R. A. (58337)--Class A. "Unit Chart System (Revised) for Balancing Dairy Rations." This matter was before the Revisory Board on September 5, 1941. The Board at that time while admitting that the copyright notice was acceptable did not take into consideration if the proper application form had been filed. The Examiner upon having the material resubmitted to her with the Board's recommendation that the copyright notice be accepted, now, however, brings to the attention of the Board that it would be advisable to suggest an A-2 application. The Board concurs with the Examiner, in that the copyright claim no doubt extends to the new material in that there is a statement upon the copy that the work is revised.
 5. Clark, Ada M. (55888)--Class E. "Million Cheers for England." The Examiner recommends that a letter be written to the applicant inquiring whether in space (7) of the application which requests the name of the publisher, if the correct address has been given. The name of the publisher is the copyright claimant, and the address given in this line is the same as that found in space (2) of the application and in the correspondence received from the applicant, that is, Hamilton, Canada. The reason the Examiner raises the question is that on the title page of the deposit is a statement, "Printed for the publisher by Draper Music Co., Toronto, Canada." The Revisory Board, however, does not sustain the Examiner, and recommends that the application be accepted in this regard, in that printing and publishing are two separate acts and hence can be performed at different places from each other.
 6. Schlaifer, Charles (60097)--Class KK or A. "Auditorially Speaking." The Print and Label Examiner refers this material to the Revisory Board for consideration to determine if the deposit is a commercial print. The deposit consists of an advertisement by a theatre of the motion picture films which are to be shown at that entertainment house. It is not believed by the Board that this advertises an article of merchandise, that is, a motion picture, as the theatre is not selling motion pictures, rather it is selling a form of entertainment. It is the theatre which is being advertised, and therefore the Board recommends that the deposit be accepted under Class A-5 and not as a commercial print under Class KK.
 7. Pfiffner, Elinore Ann (Mrs.) (58422)--Class C. "Bill of Rights for Children." The Examiner questions whether the deposit is a lecture. The Revisory Board after examining the copy contends that the work could be delivered as a lecture, though it must be admitted that there is a possible doubt existing, that doubt, however,

should be resolved in favor of the applicant.

8. Bradford, Wm. A. (59248)—Class A. "The Bradford Price Book for the Plumbing and Heating Trades." The applicant in preparing the application gave the date of completion of the work as the 29th day of August, 1941, and the date of publication as the 29th day of August, 1941. A typewriter was used, and the 2 in the date of publication has been struck very faintly but yet is visible. On the application side the date of publication is very clearly given as the 29th day of August, 1941. The Examiner, however, would inquire whether the date of publication is August 9 or August 29. The Revisory Board overrules the Examiner, in holding that with the facts presented it is quite obvious that August 29, 1941 is the date of publication, and should be accepted.

9. Texas Legislative Service (59642)—Class A(?). "Texas Legislative Service." The deposit is a heavy piece of cardboard adaptable for use in an index file to act as a divider between various papers. As such, it must be admitted it is an article of utility and not copyrightable. Printed upon this piece of cardboard, however, is a compilation of the various steps required in the history of a bill from the time it is introduced until it becomes law. This, Mr. Smith, believes constitutes the "writings of an author." It is not essential in the use of the article of manufacture upon which it is printed, and in itself can constitute an excellent guide for students of political science studying legislative procedure. After each step there is a space provided for the placing of information pertinent to that step. Mrs. Brady and Mr. Pforzheimer, however, contend that the work constitutes a blank form, and as such should be rejected. The copy bears the following copyright notices—

"Universal Legislative Service, Copyright 1927, W. E. Long, Austin
Texas Legislative Service, Copyright 1924, 1941, W. E. Long, Austin"

Registrations were made as indicated by the notices, in 1924 and 1927, but the copies have since been returned to the copyright claimant, and are not available for examination. In view of the previous registrations, Mr. Smith believes that before ^{registration} ~~records~~ be recommended there should be a letter written first, however, inquiring of what the new matter consists in the present deposit. MP-965

MINORITY MEMORANDUM

September 13, 1941

Remitter: Texas Legislative Service (59642)

Title: "Texas Legislative Service"

Question: Does deposit contain copyrightable material?

The deposit consists of a heavy piece of cardboard so cut as to make an appropriate divider in a letter file. As such, it represents an article of utility. Printed upon it is a compilation of the various steps undertaken from the time a bill is introduced in a legislative chamber until it becomes law. This information is not essential to the use of the article of utility upon which it is printed. After each step, space is provided for pertinent information, such as the name of a committee and the date on which it was handled. Without this information the compilation is nevertheless of value, and to a student of political science it could be used to great profit in a better understanding of the workings of a legislative chamber. Mr. Smith is of the opinion that this compilation constitutes the "writings of an author" to which a copyright claim can be made, and that that claim is registrable even though the copies which are deposited are in the form described. Mrs. Brady and Mr. Pforzheimer contend that the work is a blank form and should be rejected as such. Mr. Smith in this regard does not agree, even though he has carefully considered the cases of Baker v. Selden, 101 U. S. 99 and The Amberg File & Index Co. v. Shee Smith & Co., 82 Fed. 314. To support his position, Mr. Smith points out that the deposit bears two copyright notices for which registrations were made of the copyright claims referring thereto in the years 1924 and 1927. The deposits made in connection with these registrations have been unfortunately returned to the copyright claimant upon the completion of the registration.

*Meeting of
Sept. 13/41
P. 900*

L. C. SMITH

Register as a "book"--W.H.Wise after consultation with Col. Bouvé

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 16, 1941

The Revisory Board met at 11:15 A.M. and adjourned at 12:00 A.M., and at 2:30 P.M. and adjourned at 3:30 P.M. Those present were: Mr. Smith, Mr. MacCarteney and Mr. Pforzheimer.

Total time consumed, 1 hr., 45 mins.
Unanimous decisions, 15
Divided decisions, 2

1. de Bernard, Eugene (59609)--Class ?. "Skipper Smith Defiende Las Américas (Defends the Americas)." The deposit consists of a Spanish vocabulary study system, made up of Spanish and English words and joined with drawings of objects in cartoon pictures. The Examiner suggests that the work as deposited can be registered as a drawing but that applicant should be advised that the filing of a G-2 application would extend only to the drawing and not the text matter. The Revisory Board, however, holds that the work as deposited is an unpublished "book". The applicant should be so advised, and it should be pointed out that if protection is desired for the drawings in unpublished form, each drawing or cartoon strip must be separately registered. Advice should be furnished as to securing copyright for "book" material.
2. National Geographic Society (Deposit Acct.)--Class B. "National Geographic Magazine, September 1941 issue." After some of the copies of the September 1941 issue had been published, the copyright claimant decided to make a change by substituting a photograph in the copy for another. The substituted photograph it is understood, as the result of a phone conversation between Mr. Hubbard of the National Geographic Society and Mr. Smith of the Copyright Office, was not the property of the National Geographic Society but that they were only given permission to use it. There is then no new matter upon which a copyright to a revised edition can be made by the National Geographic Society. The two copies of the new edition therefore should be transferred to the Library of Congress with a memorandum briefly reciting the facts, and a letter should also be directed to the National Geographic Society advising them of the action.
3. Bromley & Co., Inc. (59401)--Class J. "Mountains and Valleys Are Awe Inspiring from the Mt. Skimobile" & 6 others. The copyright notice appearing upon the copies is merely "Copyright by Bray." The Examiner would accept the applications which give the name of James Bray as copyright owner. The Revisory Board, however, contends that under the rules of the Office the copyright notice must contain "the legal

name of a living person." The surname of the author is not his legal name. The Revisory Board did not take into consideration what action the Office should take should the copyright owner republish with his full legal name. *A)so M-P 922.*

4. Jordeau, Jean, Inc. (58796)--Class ?. "Bouquet Jordeau ... (February, June, October)." The deposits appear to be proof sheets printed upon heavy cardboard, which when properly assembled will be a container to be used in connection with the sale of perfume and toilet water. This matter was before the Revisory Board on Sept. 11, when it was suggested that the material be referred to the Print and Label Examiner, who now states the material as deposited is not a commercial print or label. The Revisory Board supports the Examiner in this statement, but adds that deposit should be made in the form in which it is actually used, and if in such case it is a container in which is placed perfume or toilet water for sale, KK classification is proper. There is a container for each month of the year with very little change in the text. If all are published on the same date, separate registration should be made for each one.

5. Amerika-Institut (Deposit Acct.)--Class A. "Italienisch lebendig Italienisches Unterrichtswerk Band 1 Erster Lehrgang." The application gives the city as the only address of the copyright claimant. The Examiner recommends that correspondence be entered into and the street address be requested. The Revisory Board, however, is of the opinion that in view of world conditions it is not necessary to write to Germany for such information, and that registration should be made as applied for.

6. Nu-Art Films, Inc. (59897)--Class KK. "Fireside Films." The deposit consists of a single sheet and advertises the sale of motion picture film to be used in home projectors. The print and label Examiner refers it to the Revisory Board for consideration. The Revisory Board is of the opinion that the material is a commercial print and KK application should be requested.

7. Bauman, Marguerite (60691)--Class E. "Autumn Leaves." The applicant originally registered her work as unpublished, and now deposits the composition in the form of a professional copy with an E application. The Examiner questions publication of the work, which incidentally is in printed form. The Revisory Board overrules the Examiner, and holds that the work should be accepted as published and registration made as applied for.

8. True Art Publishers (60611)--Class G. "Now for a Double." The applicant deposits an identifying reproduction of a work of art on G-2. Registration of the claim can be made upon the receipt of a corrected G-2 application as recommended by the Examiner. The applicant in his letter indicates that he will soon publish the work. The Examiner suggests information concerning K and H applications both be

furnished. The Revisory Board, however, holds that information concerning K registration alone should be supplied.

9. Cohen, Sidney (55689)--Class E. "What Will They do to Hitler." The Examiner questions the presence in the deposit of the 1st and 2nd Choruses without notes which fit the words. The Revisory Board, however, notices that the copy indicates these words as "Patter," which can be injected into a musical composition without any accompanying music. Entry should be made as applied for.

10. Conning, Brace (Staff Sgt.) (No Fee)--Class ?. "Questions for Americans." The Examiner is of the opinion that taking a poem to which no copyright is claimed, and arranging it for use on the radio by the addition of sound effects and music and the type of voice which should be supplied for certain lines of the poem when read over the radio, does not constitute the "writings of an author," and the Revisory Board sustains her in that contention. The applicant points out that he is not the copyright claimant to Miss Thompson's poem. *Also M-P 917.*

11. National Cash Register Co. (Deposit Acct.)--Class ?. "The Little Man." This matter was before the Revisory Board on Sept. 11, when it held that the material was subject of design patent. Further consideration has now been given it, and the Board is of the unanimous opinion that the deposit has a dual purpose. It can it is true be used for an advertising novelty, but as deposited there is nothing upon the work to indicate that it advertises any particular product. The statuette could well be used as an attractive work of art which would find an appropriate place in a recreation room or the like. *Also M-P 896, 929.*

12. Russell, Emory S. (60874)--Class ?. "Duplex Protection Calculator Calibrated for General Motors Anti-Freeze." The Examiner rejects the deposit as a device, which has certain dials upon it to be moved to secure certain desired information. Elsewhere upon the copy, however, is information not requiring the use of the dials to be understood by the person using it. The Revisory Board takes note that the deposit advertises certain anti-freeze products distributed by General Motors, and it suggests that before any action be taken upon the recommendation of the Examiner of "books" that the material be placed in the hands of the print and label Examiner for examination and consideration. *Also M-P 912.*

13. Kahan, H. (No Fee)--Class A. "Instructions for the Making of Beaded Necklace, Bracelets and Fob." The Examiner rejects the work because of a defective notice. The Revisory Board, however, takes note that the deposit is not complete, and that when a complete deposit is made it may be shown that the work is a commercial print and, therefore, that the notice is acceptable. The applicant should first be requested to deposit a complete copy of the best edition of the work before further consideration can be given. He should also receive advice concerning the copyright notice as used in connection with a "book," and also as used in connection with a commercial print.

14. Board, George A. (No Fee)--Class ?. "Victory Pals ..." The deposit consists of a simple drawing of the American flag, with the sun and sky also crudely drawn. The rays of the sun shine upon the flag, making what the artist believes to be a V-shaped portion. He identifies the work as "Victory Pals." The Revisory Board is of the opinion that the applicant should be advised that no copyright can be secured in the United States flag as such, nor in the idea of having the ray of light flow upon it so that the beam forms a letter V. Also - M - P. 922.

15. Tatarsky, Morris (60522)--Class ?. "America - Faith - Determination - Results." The deposit consists of a piece of heavy cardboard bearing upon an attractive blue background, enclosed with a gilt border, the following words: "AMERICA", colored in red, white and blue, with a gold and white stripe above and below the word, and followed by the three words, "Faith - Determination - Results," the word "Faith" colored in red, the word "Determination" colored in white, and the word "Results" colored in blue. An application Form G-2 is filed. The Examiner is of the opinion that there is not present any pictorial matter. The Revisory Board sustains the Examiner in rejecting the material as a work of art, holding that the work does not meet the definition of a work of art. The applicant when he called at the Office personally was given the opportunity to consult with Mr. Smith and also with Mrs. Brady, and he pointed out that it was the idea that he wanted to copyright, especially the words "Faith - Determination - Results." It should be pointed out to him that copyright cannot be secured in words as such. Also M - P. 926.

16. Bender, Matthew & Co., Inc. (61088)--Class A (?). "Administrative Law: Reporter - Service - Text, Release No. 1, Sept. 10, 1941." The deposit consists of loose leaf pages which appear to be issued periodically. The Examiner suggests that registration be made under Class B and not A as applied for. Mr. Smith and Mr. MacCarteney are of the opinion that registration should be made in the class elected by the applicant, while Mr. Pforzheimer sustains the Examiner.

17. Budlong, Lester G. (60476)--Class A (?). "Start-O-Graph." The print and label Examiner rejects the work as a commercial print. The Examiner of "book" material rejects the work as a device. Mr. Smith sustains the Examiner. Mr. Pforzheimer and Mr. MacCarteney rather are of the opinion that the deposit contains sufficient independent copy-rightable material to justify registration in Class A. They do not agree with Mr. Smith who is of the opinion that the main purpose of the work is to obtain information by the moving of certain of these parts, and that the very slight additional printed matter present does not enable the deposit to be copyrightable, as the notice refers to the work as a whole, that is, as a device, and does not suggest that it covers the minor portion of incidental text matter.

MINORITY MEMORANDUM

September 16, 1941

Remitter: Budlong, Lester G. (60476)

Title: "Start-O-Graph."

Question: Is the work a device and does it contain any copy-rightable material?

The work's main purpose is to assist a garageman, or other mechanic, to advise regarding the conditions of an automobile battery, and to enable him to better service it. In the main it is made up of several moving parts which must be adjusted in a certain manner in order to obtain the required information. There is present upon the copy considerable text matter which instructs the use of the work. The remaining text matter is very slight, and serves to create a greater interest in the use of the device. That is also true of the illustrations appearing upon the device and upon one of the slides. The copyright notice is so placed that it covers the device as such, and in no way indicating that it is to refer to the text or illustrations which are not actually necessary in the use of the device. Mr. Smith is of the opinion that the major portion of the text and pictorial matter forms a part of the device itself, and the remaining text and pictorial matter serve to encourage one to use the device and to create an interest in its use. As such, he cannot help but hold that the work as a whole is a device and should be rejected as such. Mr. Pforzheimer and Mr. MacCarteney, however, contend that certain of the text and pictorial matter (very little in comparison with the whole) can so be divorced from the device features of the copy itself as not being essential in their use, that registration of a copyright claim can be made in the work under the classification "book."

L. C. SMITH

*Meeting of
Sept. 16/41
P. 906*

Register as a commercial print as applied for. Not essential that particular brand of battery be identified on copy.--order of Col. Bouvé.

SUBJECT

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 19, 1941

The Revisory Board met at 2:00 P.M. and adjourned at 3:30 P.M. Those present were: Mr. Smith, Mrs Brady and Mr. Pforzheimer.

Total Time consumed, 1 hr., 30 mins.
Unanimous decisions, 19
Divided decisions, 2

For the first part of the meeting, which dealt with corrective entries, Mrs. Steagall was present.

Corrective entries:

1. Houghton Mifflin Company (60313)--Class A. "Supplement to Manual for Interpretation Norms for Iowa Every-Pupil Tests of Basic Skills. Form M." The applicant advises the Office that an A-1 application was originally filed and that it is now discovered there has been an error, that an A-2 application should have been filed limiting the claim to new matter. Advise, corrective entry will be made as all of the material is present for such action.
2. Clarkson, Edwin S. (59644)--Class E. "Keep Old Glory Waving High". This Office is advised that the original registration gave only the name of one of the authors, Bridget Etta Minge, and that there should have been included also the name Victor Whitesell, as one of the authors. The letter is received from an attorney acting for the applicant. Advise that before a corrective entry can be made a statement must be filed by the author mentioned in the original entry that the now second mentioned author is actually the composer of the work and that his name should appear upon the record with her name, as author of the words.
3. Broadcast Music, Inc. (Deposit Account)--Class E. "Toy Piano Jump". This case is somewhat similar to that of Edwin S. Clarkson, just mentioned above, in that before a corrective entry can be made a statement must be received from the author whose name appears in the record of the original registration that the second author, whose name is now to be included in the record, was actually one of the authors of the work. Also M-P. 924

Usual copyright business:

4. Interstate Sales Co. (No Fee)--Device. "Circle Meter". The applicant deposits what appears to be the proof of a dial which forms part of the device. Appearing upon the sheet are the directions for its use and other data essential to the use of the device when completed. Advise applicant that the work, when published, will be a device, that is, when it has added to it the revolving pointer, and as such is not subject to copyright. It should be, however, pointed out that if a work is not copyrightable it should not bear the copyright notice.

5. Rand, McNally & Co. (Deposit Account)--Class F. "Chicago and Northern Illinois - America's Greatest Industrial and Transportation Center - Rail-Highway-Water-Air-Pipeline." The deposit consists of a single sheet, on one side is a map bearing a copyright notice while on the other is a map which does not bear a copyright notice referring to that particular map. The applicant files a book application so as to include both maps in one registration. This application should be refused and the applicant informed that an F application will be received for the map bearing the notice and that none can be received for the other map as it does not bear a copyright notice.

6. Jacobs, Amelis. (61795)--Class A. "Fashion Show Survey." The applicant's attorney protests the rejection by this Office of the work considered which bears an inadequate copyright notice. In his letter he makes the statement: "It appears to me that your office has been unduly critical to the extent found by the Court of Appeals for the District of Columbia in Bouve v. Twentieth Century-Fox Fil Corp., 50 USPQ 338." The Revisory Board sustains the Examiner in holding that the deposit bears an inadequate copyright notice in that it does not actually contain the name of the copyright claimant. It reads as follows:

"Prepared for Fashion Field Survey
Copyright 1941
No part of the within may be
reprinted or produced without
consent of the author."

This notice appears in the left-hand lower corner of the title page. In the center of the title page is the title of the work followed by the pseudonym of the author. The author appears as the copyright claimant in the application.

In view of the applicant's reference to the recent court case, a careful letter should be written explaining that this Office is bound by the provisions of the copyright law, Sections 18 and 19, is obliged to refuse registration of a copyright claim if the provisions of the statute have not been met. *Also M-P. 929.*

7. Watson, Cole, Grindle & Watson. (61838)-Class A. "Directions for Playing Cross Patch". The deposit consists of a cover of a box in which the materials for playing a game are to be placed. The face of the box top bears a label identifying the game as "Cross Patch" in addition to having identified the game as a game. There is also a pictorial illustration upon the label which bears a good copyright notice. On the reverse side (that is, the inside) portion of the box top are printed the directions for playing the game. The applicant files application Form A-1. The Examiner questions whether the directions are subject to copyright, and secondly points out that the affidavit is faulty. The applicant should be advised that registration will be made for the directions upon the receipt of a proper application and affidavit, and should also be told that registration for the label must be made under Class K by the deposit of application form KK, two additional copies, a registration fee of \$6.00, any photostate of the box cover provided in the specimen "books". This request for the filing of a KK will be brought to the attention of the Print and Label Examiner. *Also M-P. 932.*

8. National School Council. (61090)--Class A. "National School Council." The Examiner holds that the copy contains an inadequate copyright notice in that it does not contain the name of the copyright claimant. The title page reads as follows:

National School Council
For Your Protection
(Picture of lighthouse)
--Copyright 1941--.

Nothing else appears upon the title page. The National School Council is the copyright claimant. The Revisory Board is of the opinion that the copyright notice is adequate even though the name of the claimant is separated from the other elements of the notice by the picture of the lighthouse and the words "For Your Protection".

9. Nelson, Walter K. (60480)--Class A. "Dial-a-Date". The applicant files a number of deposits which the Examiner identifies as devices. They consist either of revolving dials or sliding points. The Revisory Board sustains the Examiner and holds that the copies do not bear any matter separate and distinct from the device, as such, which might be copyrightable.

10. Lay-Fee Publishing Press. (No Fee)--Class ?. "Planisphere for Mirror Reflection". The Examiner holds that the work is a device. Also appearing upon the work are directions and instructions for its use. While this information is of interest, it nevertheless forms an essential part of the device and it is necessary for its proper use. Even though the device contains the statement "Copyrighted 1941 and patent applied for", the work must be rejected as a device and as not containing any copyrightable text matter separate and apart from itself. Also M-P. 933.

11. Dingman, Edwin. (58725)--Class E. "He Is Coming". In addition to the name of the authors appearing upon the copies, the application, Space (6), after the author of the words also adds "Revised by Edwin Dingman". The Examiner requests an application not mentioning the name of this reviser of the words, holding that that name does not appear upon the comment. The Examiner overruled as there is no provision in the law which requires the name of all of the authors to appear upon the copies.

12. Maas, Walter E. (60902)--Class E. "Eastern Division Song". The applicant deposits a piece of music which is in the usual printed form of sheet music as found in music stores. The deposit does not bear a copyright notice. The applicant files an E-2 application which the Examiner rejects because the work does not bear a notice. However, a letter should be written first and inquiry made whether any of the copies of the work have actually been published without the copyright notice and an explanation should be made of the requirements of the law in that regard.

13. Foulks, Elizabeth P. (Mrs.). (61385)--Class A? K. "Foulks Artcraft Design". The applicant submits what appears to be a proof copy of a print of a rug design and submits with it two copies, a fee of \$1.00 and an application Form A-1. The Examiner suggests application Form G-2 be used. The Revisory Board, however, while rejecting the A-1 application suggests that inquiry be made if the work was actually published and, if so, regis-

tration should be made on Form K without at this time mentioning any possibility of registration for the work as unpublished under Class G. The applicant should be advised, however, to the extent of his protection in that the rug design itself is not covered by the copyright but is properly patentable under a design patent.

14. Frederick Kugel Co. (61587)--Class B. The deposit consists of some advertising matter. It is but a single sheet folded once with the copyright notice on the fourth page. The applicant submits application Form B in view of the fact that the work is a monthly publication. The Revisory Board is of the opinion that before considering the notice as misplaced for a periodical, the matter should be referred to the Print and Label Examiner for consideration. The Revisory Board realizes in taking this action, however, that only recently it was held by the Office that where a periodical has actually been registered as a periodical in the past or is of such character that it is a periodical, it would automatically be registered as such ^{that} even though it consisted of a single sheet and advertised an article of merchandise it should be registered as Class B and not KK. In view of the fact, however, that there is no indication in the material at hand that previous registration has been made in Class B and that without provision of the notice upon the last page, it could not now be registered as Class B. It was thought that under the circumstances registration might possibly be made for it as a "commercial print". The views of the Print and Label Examiner are first solicited before the Revisory Board desires to take any further action if required.

15. Fleming, Helen I. (61480)--Class A. "Your U.S.A". The Examiner rejects the material, holding that the copyright notice appears upon the last page of the deposit. This no doubt was done in error as there was also a copyright notice upon the first page of the deposit, and hence the Revisory Board recommends acceptance of the deposit as bearing an adequate notice.

16. Jochum, J. H. Jr. (61099)--Class A. The applicant deposits a single sheet which contains nothing but text matter in various size type advertising an article of merchandise. Application form KK is filed identifying the work as a "print". The Print and Label Examiner rejects the work as a "commercial print" but referred it to the regular Examining Section for consideration as a book. The Examiner in that Section agrees that it is not KK material and that registration should be made under

Class A as a "book". The Revisory Board has the opinion that there is not a sufficient amount of text matter on the sheet, as it consists of nothing more than the name of the product and a catch phrase "The Proved Cleanser that Cleans Faster--Lasts Longer. For Household Use." Above the catch phrase in parentheses appears "Antiseptic Action" and beneath it appears "Used for Antiseptic Action". The Revisory Board is not of the opinion that this work is a book but requests that inquiry be made to determine if this work is not actually used as a label upon the container in which the product is distributed and as such could be registrable as KK.

17. Prentice-Hall, Inc. (Deposit Account)--Class A. "Report No. 43 of Prentice Hall Federal Tax Service. September 4, 1941." The deposit consists of the usual report, this one being No. 43 with a supplement which contains the Revenue Bill of 1941. The Examiner is of the opinion that the regular report should be registered upon a separate application form, that which would be required for the registration of the supplement, in that they are two separate works. In this the Revisory Board supports her in view of the fact that the report is so die cut as to fit into a special binder while the Revenue Bill is of a different format and it would appear to be distributed separately. However, the Revisory Board does not agree with the Examiner in inquiring what Prentice-Hall, Inc., added to the actual Revenue Bill as it appeared in Congress. It is evident that there is considerable authorship through the whole bill which was the result of Prentice-Hall, Inc.

18. Russell, Emory S. (60874)--Class A. "Duplex Protection Calculator Calibrated for General Motors Antifreezes." This matter was before the Revisory Board on September 16 at which time it was recommended that the matter be submitted to the Print and Label Examiner for consideration. It was submitted to the Examiner and while he was of the opinion that the work did advertise an article of merchandise, he was doubtful whether or not it could be accepted in view of certain portions of it which were device in nature. The Revisory Board now recommends that the work be accepted as a "commercial print" in view of the fact that there is advertising matter upon the deposit which is separate and distinct from the device features which it contains. Application Form KK should be requested.

19. Brentano's Book Stores, Inc. (60763)--Class A. "Pierre Laval." An application is filed which makes the statement

"published by Brentano's Book Stores, Inc., at New York". The work, written in the French language, was printed in Canada. It does not bear a copyright notice. The Examiner is supported in holding that registration cannot be made because publication has taken place in this country without the adequate copyright notice.

20. Loederer, Richard A. (24917)--Class A. "Immortal Men of Music." All of the members of the Revisory Board agree that in view of the fact that this work is a revised edition that application Form A-2 should be used, giving the name of the claimant as recommended by the Examiner "The Master Prints Publishing Co., Richard A. Loederer, sole owner". This matter was before the Revisory Board on September 4 and at that time it had agreed to accept the statement of new matter given by the applicant which included reference to the book jacket. The same members are now present at this meeting, but Mrs. Brady changes her vote in that she contends that the application in giving the statement of new matters should not refer to the book jacket in that book jackets do not form a component part of the book and are not thus covered by the copyright to the book. *Also on M-P 883, 919.*

21. Kegan, Albert I. (60580)--Class K. "Courtesy Cleaners System." The deposit is a paper bag so folded and cut that it becomes the usual covering used by dry cleaners in the delivery of suits and dresses. It is the usual typical bag but printed upon it is an attractive print. The Examiner rejects the work as an article of utility. Mrs. Brady and Mr. Smith sustain the Examiner. Mr. Pforzheimer, however, is of the belief that there is actually a copyright to the print itself regardless of the fact that it appears upon an article of utility, and states that registration should be made for the work as a KK but that if such registration is not possible, then registration should be made for it under Class K. *Also M-P 921.*

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 22, 1941

The Revisory Board met at 2:30 P.M. and adjourned at 4:00 P.M. Those present were: Mr. Smith, Mr. MacCarteney and Mr. Pforzheimer.

Mrs. Rafter sat in for two corrective entries.

Total time consumed, 1 hr. 30 mins.
Unanimous decisions, 21
Divided decisions, 2

Corrective entries:

1. Willis, Mary E. (No Fee)--Class E. "I Can Tell By the Twinkle in Your Eyes." The applicant wishes to correct the record so as to furnish his address as it actually is. She should be advised that a corrective entry is not possible but that a notation will be made in the indexes of the Office.
2. Carroll, Margaret McNabb (60850)--Class E. "I've Got You on My Conscience." The applicant wishes to correct her previous registration, in that she has discovered errors in the deposit made at that time, and she has now prepared a new musical composition in which she has changed a few notes and also made a change in time. She states: "Since that time I discovered that the music was not down correctly as to time. So the music has been corrected and several notes changed." In view of the fact that it is believed there is not sufficient new matter to make an E-3 registration, three of the members of the Revisory Board are of the opinion that a corrective entry should be made. The Chief Examiner, however, does not agree with the Board, and contends that both a corrective entry and an E-3 registration should be refused. *Also M-P. 939.*

Usual copyright business:

3. Aronson, Naoum (58901)--Class G. "Beethoven--Bust." The deposit is a bust of Beethoven, which apparently appeared in France twenty years ago. Two copies are deposited at this time bearing a copyright notice. Application Form G-1 should be sent, with the request that it be properly filled in. Whatever date of publication is then supplied by the applicant should be accepted. The amended G-1 for application suggested by the Examiner is not approved by the Revisory Board, as it knows of no authority whereby the Examiner may prepare such a form.
4. Munson, Grace (40212)--Class A. "Individualized Lessons in Beginning Reading." The work as originally deposited bore a typewritten title page, the rest of the work being in mimeographed form. The Office questioned

publication in that form. As the result, there was sent a mimeographed title page which gave an advanced year date in the notice. There was also deposited another publication which bore a 1941 year date as in the case of the mimeographed title page. The Examiner rejects, holding that an advanced year date appeared in the notice. The Revisory Board suggests, however, that a letter first be written requesting further information regarding the work, so as to determine if copies were actually published with an advanced year date, as copies may not have been actually distributed until this year, or else when published they bore the correct copyright notice.

5. Felshin, J. B. (60479)--Class ?. "Two-In-One" and "Three-In-One." The Revisory Board sustains the Examiner in holding that the deposit is not subject matter of copyright. It consists merely of sheets of "Bingo gameboards." No copyrightable text or pictorial matter appears upon the work.

6. Smith, Vincent R. (61826)--Class E. "I Need Love Now." The applicant gives two addresses in his application: one his home address and the other a post office box address. In the space requesting the address of the copyright owner he gives both addresses, while in the case of the line requesting the address to which the certificate of registration should be sent, he gives the post office box address. The Examiner requests an explanation. The Revisory Board sees no need for this, and suggests that an entry be made as applied for.

7. Westinghouse Electric & Mfg. Co. (No Fee)--Class ?. "Vitamin E." The deposit is an identifying reproduction of a chef dressed in scant attire with a chef's hat on his head labeled "Vitamin E." The Examiner rejects, holding that the deposit is an advertising display. While this work may be subsequently used in connection with an advertising display, in itself it serves a dual purpose: that of a statuette sufficiently attractive to be placed in a recreation room, kitchen, or the like, or as an attractive advertising piece when it stands next to or upon an article placed on sale. The Revisory Board recommends registration of the work under Class G. Also M-P. 929.

8. McKenzie, Frank W. (61934)--Class A (?). "The Wheel O' Life." The deposit consists of a revolving disc upon a circular piece of cardboard. Information appears upon the disc itself without the necessity of revolving it. There is also information on the back of the circular piece of cardboard, which information is conveyed without any action on the part of the revolving disc. Registration should therefore be made for the work as a "book."

9. DeGanahl, C. F. (Mrs.) (60560)--Class A. "Gold! Why?" The reverse of the title page bears a statement that the present edition is published posthumously. The copyright notice contains the name of the author who was deceased at the time of publication. The notice reads

as follows: "Copyright 1932 Charles F. deGanahl. Reprinted 1941." The Revisory Board is of the opinion that there is no copyright notice present to cover the 1941 material, in that the copy bears no notice giving the name of a living person as required by the rules of the Office. The Examiner thus is overruled in requesting a proper application for the registration of this work.

10. Mothers Health Organization of the Lower East Side (49297)-- "The Family's Food - Bread and Cereals" and "The Family's Food - Meat - Fish - Eggs." The Examiner would reject, holding that the name of the copyright claimant is not in the notice. The Revisory Board contends otherwise, in that the title page bears the following statement in addition to the title:

"Prepared by the
Nutrition Board
Mothers Health Organization
of the
Lower East Side
341 East 25th Street
New York City

Copyright, 1941"

The name of the claimant is Mothers Health Organization of the Lower East Side. Register as applied for.

11. Fischer, Carl, Inc. (35248)--Class A. "Band Help Folio. 4th Edition revised." The name of the claimant appearing in the application is given as "Carl Fischer, Inc. of Boston." This is identical to the way in which the name of the proprietor appears on the letterhead. The copyright notice reads: "Copyright 1941 by Carl Fischer, Inc., Boston, Mass." The Examiner inquires if Boston, Mass. is part of the legal name of the claimant. The Revisory Board is of the opinion that such inquiry need not be made and registration should be made as applied for.

12. Gerard, Walter R. (47088)--Class A. "Conditional Contract for Credit." The notice gives the name of U. S. Credit Control as claimant; the application is filed in the name of Walter R. Gerard. Examiner would reject. The Revisory Board is of the opinion that inquiry should be made whether Walter R. Gerard is doing business as the U. S. Credit Control.

13. Marsh, Hattie Marie (61264)--Class A. "She Speaks." The deposit bears a typewritten title page, the rest of the work being mimeographed. The Examiner questions whether the work is published in this form. The Revisory Board overrules the Examiner and accepts deposit as made in the Office.

14. Summy Co., Clayton F. (60451)--Class E. "Three Frolicking Maidens." The title page of the deposit bears a very attractive pictorial cover, upon

which is found a copyright notice giving the year date 1940. The first page of music bears another year date in its notice, namely, 1941. The claimants are different in the respective notices. The Examiner inquires as to the variance. Mr. MacCarteney of the Revisory Board explains that the notice upon the cover or title page refers to the pictorial matter, registration for which has already been made. Entry should be made, therefore, of the music without any need for questioning of the copyright notice upon the music.

15. Conning, Brace (Staff Sgt.) (No Fee)--Class D. "Questions for Americans." This matter was before the Revisory Board on Sept. 16, 1941. The Board now reconsiders the work in view of the fact that Mr. MacCarteney states that the Board did not correctly record his vote at that time. The members of the Board admit that further and careful consideration discloses that their vote should have been in favor of entry, thus overruling the Examiner. The deposit consists of an adaptation of a previously published poem for use on the radio, with all the necessary suggestions for voice and other sound effects. The Examiner held that the manner of presentation was not subject matter of copyright. The Board, however, is of the opinion that while some doubt might exist as to whether or not the work of the author in the instance case amounts to dramatic composition, the Board itself is sufficiently convinced that the resulting work is so dramatic in nature that any doubt should be resolved in favor of the applicant.

16. Taylor, Harold E. (59147)--Class E. "Protectors of Defense." The applicant had deposited an application prior to the date of publication. The Examiner inquires if the copies will be actually published on that future date given in the application without any recommendation as to the filing of a new application. The Revisory Board is of the opinion that all that need be done is to advise the claimant to file the application on or after the date on which he actually publishes the work.

17. Dekema, Wouter (36473)--Class A. "Celestial Navigation." The Examiner questions whether or not the copies were published in the form deposited. The Revisory Board is of the belief that they were, even though what has been stapled together with an appropriate binding are loose leaf sheets of various lessons. The lessons bound together form a "book" and the deposit should so be accepted. The Office has corresponded with the applicant on five different occasions in connection with this work, and it has received an equal number of replies. A study of this correspondence by the Revisory Board assisted it in coming to the conclusion it has, that the book and the material in it was first published in the form deposited. Also M-P, 930.

18. Holland, Arlene (43800)--Class D. "The Web." The applicant has had some difficulty in complying with the suggestions made in three letters sent her by this Office. She now says that in view of the

resulting confusion in getting a correct application filed she has decided to drop the matter and requests the return of the unpublished dramatic composition of which she is one of the authors, the other author having died during the course of the Office correspondence. The Revisory Board recommends that her request be followed, and the material returned to her with a careful letter telling her how she may reopen the case by the filing of a correct application and the return of the copy and fee.

19. Remington Rand Inc. (W.R. 37022--Feb. 13, 1941)--Class ?. "Graph-A-Matic Inventory Analysis for Profit Control." This matter comes before the Revisory Board as the result of the personal visit on the part of the attorney for the applicant, on May 19. No further action was taken by this Office, in view of the fact that "device" material was then being the subject of serious consideration on the part of the Register of Copyrights, which recently resulted in a new rule being promulgated by the Office with the approval of the Librarian of Congress. The Revisory Board now sustains the previous action of the Office in holding that the work is a device. In this connection, reference is made to the Revisory Board meeting of February 14, 1941, and Mr. Howell's recommendation of February 17, 1941.

20. Indiana Steel & Wire Co. (26951--refunded)--Class A (?). "Crapo HTL-85 Telephone Line Wire, etc." This UB envelope, like the previous one, was turned over to the Chairman of the Revisory Board by Miss Carpenter, with the statement that the Register of Copyrights thought he should look the material over before filing it and determine if any further action will be required under the new rule regarding devices. The Revisory Board is of the opinion that the work is a device, and thus sustains the action of the Examiner on May 5, 1941. There appears in the envelope, however, a letter written on May 15, 1941, by the now Senior Attorney, which was never mailed. The applicant has already been advised in this Office's letter of April 22, 1941, that the work is a device, and his money refunded. This case with the one just mentioned above will be turned over to the Senior Attorney with the recommendation of the Board that they are devices.

21. Jackson, Webster & Read (10498--refunded)--Class ?. "Oliver Mileage Meter." As in the case of the above two mentioned cases, the Board now reconsiders this case, and comes to the conclusion that even though there is present a device feature, there is considerable material upon the deposit which does not form a part of the device. It therefore overrules the action of the Revisory Board on May 6, 1941, in rejecting the device, and again the action of the Revisory Board on May 12, 1941, at which time the majority of the Board rejected the work as a device. Registration should now be made of the work as a commercial print, in view of the fact that it advertises an article of merchandise. The applicant should be advised to deposit another copy, with application Form KK and registration fee of \$6.

22. Earle & Ball, Inc. (60920)--Class K. "Three Virgins No. 2063B" and 32 others. The deposits consist of a single sheet of paper folded one or more times so as to make an appropriate Christmas greeting card. The pictorial matter in the form of a print is a separate sheet which is pasted to the folder but having one end of it attached by mucilage. The copyright notice appears on that side of the sheet to which the print is pasted. The Examiner recommends rejection because the notice is not upon the print itself. Mr. Pforzheimer and Mr. MacCarteney sustain the Examiner, while Mr. Smith contends that the notice does appear upon that side of the paper upon which is pasted the print, and he recommends registration as applied for. *Also M-P 934*

23. Loederer, Richard A. (24917)--Class A. "Immortal Men of Music." This matter was before the Revisory Board on September 4, 1941, and again on Sept. 19. In the case of the latter meeting, the Board divided on its opinion, Mrs. Brady taking the minority view, but in view of the fact that she was about to leave on a vacation (the following day) she decided to join with the majority and added her signature to the envelope on Sept. 20, 1941, the day after the meeting. As to the first part of the vote of the Board, and as to the second part, which questioned whether the applicant could make a claim to the jacket of the book, her negative view is ignored in the absence of a memorandum, and the vote of the majority prevails, permitting the applicant to make it a part of his claim.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 24, 1941

The Revisory Board met at 10:30 A.M. and adjourned at 11:15 A.M.
Those present were: Mr. Smith, Mr. Pforzheimer and Mr. Lasica.

Total time consumed, 45 mins.
Unanimous decisions, 8

1. Maréchal and Noe (16107)--Class ?. "Dick Dunkel's Basketball Forecast--Schedule and Game Forecast for week ending Jan. 12, 1939." The material deposited is similar to that of the King Features Syndicate, and the Revisory Board sustains the Examiner in rejecting it. The letter written by the applicant is of such nature, however, that the matter should be brought to the attention of the Register of copyrights.
2. Visual Aids Association (56675)--Class A. "Visual Aids Catalog." The Revisory Board recommends the returning of the application sent to this Office so that there can be added in line (1) after the name of the claimant, the words "Sole owner."
3. MacGregor, Bertha L. (45647)--Class A. "Acrodynia," "Anemia, Nutritional, of Infants," "Anorexia," [48 others]. The Examiner suggests that a single A-2 application is sufficient for the registration of copyright claims to each of the cards comprising an index, which index is published as a single unit. The Revisory Board overrules the Examiner, in view of the fact that originally these cards were registered separately, and hence separate A-2 applications are required for each individual card containing new matter, and an A-1 application for those which were completely revised or entirely new.
4. Pulitzer Pub. Co. (61867)--Class B. "Pictures - Sept. 7, 1941." The Examiner contends that the copyright notice appearing upon the copies is inadequate. The notice appears in the right hand lower corner of the first page of the work, which consists in all of 14 pages, the major portion of which is pictorial matter. The notice is as follows:

"All staff and
correspondent
photographs
and drawings
in this issue
of PICTURES
copyright, 1941,
by Pulitzer
Publishing
Company.

Reproduction
prohibited."

The name of the claimant is Pulitzer Publishing Company. The Board is of the opinion that the notice is adequate and very clearly identifies the material to which the copyright claim is made.

5. Dunn, John Duncan (62331)--Class A. "Golf." The applicant deposits two sets of duplicate copies; one set does not bear the copyright notice, the other set of two copies does bear the copyright notice. The Examiner rejects because the one set of copies does not bear the copyright notice. The Revisory Board, however, is of the opinion that inquiry should first be made to determine whether the work was published with or without the copyright notice, in that there has been deposited copies with and without the notice.

6. Kegan, Albert I. (Esq.) (60580)--Class K. "Courtesy Cleaners System." This matter was before the Revisory Board on September 19, 1940. Upon reconsideration at this meeting, all members of the Revisory Board agree that the material is a print, subject to copyright registration even though the print appears upon an article of utility, namely, the usual paper covering used by cleaners to protect the finished cleaned product, such as a suit or dress. This action is taken especially in view of the fact that the minority member of the Revisory Board was upheld in a recent case (Texas Legislative Service (59642)), in which the copyrightable matter was put upon an article of utility, in that case a file drawer divider. Ask application Form K.

7. Koppers Co., American Hammered Piston Ring Division (W.R. 37507)--Class A. "Engineers' Piston Ring Handbook." The copyright notice upon the deposit is in the center of the page, and at the bottom of the page appears the name of the copyright claimant. The only other printed matter upon the title page is the title at the top of the page, with a description of the work. Examiner rejects, holding that the name of the claimant is not in the notice. The Revisory Board overrules the Examiner and recommends registration.

8. Detroit Lubricator Co. (61245)--Class A (?) & KK. "Gauge for Setting Flow" and "Flow Gauges for 'Genuine Detroit' Balancing Fittings." The "book" Examiner recommends registration of the work on the basis that it contends some text matter. The text matter, however, is in relation to the use of the work as a gauge indicator, and as such it becomes an article of utility not subject to registration. It is so cut that it fits over a pipe valve and is used to show at what turn in the pipe valve a flow will result. Reject as an article of utility. There was also deposited the container in which this gauge indicator is sold. The container bears a copyright notice. The Revisory Board supports the Print and Label Examiner in holding that this is a label subject to registration under Class KK.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 26 and 27, 1941

The Revisory Board met at 3:30 P.M. and adjourned at 4:30 P.M. on September 26, and met at 10:30 A.M. and adjourned at 12:00 A.M. on September 27. Those present were: Mr. Smith, Mr. MacCarteney and Mr. Pforzheimer. Mrs. Rafter was present on September 26 in connection with corrective entries.

Because of the cases which the members had discussed on September 26 and were not able to finish on the same day, the meeting was carried over and continued on September 27.

| | | |
|----------------------|-----------|----------------|
| Total time consumed, | Sept. 26, | 1 hr. |
| " " " | Sept. 27, | 1 hr. 30 mins. |
| Unanimous decisions, | 20 | |
| Divided decisions, | 1 | |

Corrective entry--

1. Budwitz, Anne (E unpub. 75148 - 1933)--No Fee. "My Little Farmerette." The applicant wishes to make a corrective entry in connection with the name of one of the authors. Advise corrective entry can be made if a statement is furnished from the author whose name is to be removed when the corrective entry is made, to the effect that that can be done.

Usual copyright business--

2. Bromley & Co., Inc. (59401)--Class J. "Mountains and Valleys Are Awe Inspiring from the Mt. Crammore Skimobile" and 6 others. This matter was before the Revisory Board on Sept. 16, 1941. The Board, however, now reconsiders this case in view of the conference had with the Register of Copyrights on this same date regarding copyright notices and the use of pseudonyms therein. The copyright notice which contains only the surname of the copyright claimant, who no doubt can be located because of the subject matter of the deposit, is acceptable.

3. Board, George A. (No Fee)--Class ? "Victory Pals ..." This matter was before the Revisory Board on Sept. 16, and as the result of a conference had with the Register of Copyrights on this date regarding works of art, the Revisory Board entertains some doubt as to whether or not the work is a work of art, and it resolves the doubt in favor of the applicant.

4. Cunningham (John Albert) (No Fee)--Class G ?. "V" with two American flags, and 1 other. The deposit consists of a white letter "V" upon a black background. Superimposed upon the letter "V" are two flags of the United States attached to a flagpole, which are so placed that they fall in line with the letter "V". There is a doubt in the minds of the members of the Revisory Board whether this work can be considered a work of art, but the doubt should be resolved in favor of the applicant.

5. Sylvester Music Co., Ltd. (13039--1940)--Class E. "Dialogue." This matter was before the Revisory Board on May 12, 1941, and again on Sept. 9, 1941. It has come to the conclusion after consultation with the Register of Copyrights that the notice in the copy does not conflict with his memorandum of November 24, 1937. A special memorandum in reference to the discussion had with the Register of Copyrights has been prepared and is to be found in the unfinished business envelope of the Sylvester Music Co. Ltd.

6. Cole, M. M., Publishing Co. (60836)--Class E. "The Big Bass Viol." This case is different from the one just covered, that is, the Sylvester Music Co., Ltd., in that the copy contains a notice of assignment. The notice reads: "Renewal Copyright 1937 by M. T. Bohannon - Copyright assigned 1938 to M. M. Cole Publishing Co., Chicago, Ill." In the Sylvester Music Co. Ltd. case, however, the notice read: "Copyright 1940 assigned to Sylvester Music Co. Ltd. for the British Empire, America, and all other English speaking territories, Holland and Belgium and their respective Colonies and Possessions. Copyright 1931 by Julien Porret, France."

In other words, in the present case it is a notice of assignment, while in the Sylvester Music Co. Ltd. case there is a statement that the copyright was secured in 1940 and that it was then assigned.

7. Lienemann, Louise J. (61263)--Class A. "A Botany Laboratory Manual." The Examiner questions the deposit which is mimeographed material because it is her belief that the first page is typewritten. The Revisory Board is in doubt as to whether such is the case, and therefore recommends that no question be raised regarding the character of the deposit in that regard.

8. Needham & Grohmann, Inc. (59301)--Class A or K. "Extra, Extra - Read All About It." The deposit consists of a folder on both sides of which there is a print. One side bears a notice in full form. Advise that Class K can be filed if desired for the print bearing the notice, but if the copyright claim extends to the work as a whole Class A application should be used.

9. Interstate Sales Co. (No Fee)--Class I. "Circle-Meter." The applicant deposits a proof copy of his meter chart, and requests information as to the procedure to follow to register his copyright claim. The Examiner rejects holding the work is a proof copy and that when published will be a device. It is to be noted, however, that the chart can be

read without the use of the pointer which will later be added, the pointer merely being an instrument which can be used for convenience. The Revisory Board therefore recommends that the work be considered a technical drawing, subject to registration either in unpublished or published form.

10. Broadcast Music, Inc. (E pub. 89831)--"Toy Piano Jump." This matter was before the Revisory Board on September 19, at which time there was considered the recommendation of the examiner for corrective entry. The Board recommended such corrective entry. It was, however, not brought to the attention of the Board at that time that the copy contained an advance year date in the notice. This was discovered subsequently, and the Board now takes the action of rejecting the work for that reason.

11. Honeck, Stewart G. (55991)--Class ? "Liberty Exchange Stamps." The work consists of two sheets of stamped serrated so that one stamp can be torn from the other. The two sheets of stamps are stapled within a paper cover. The full form of the copyright notice appears upon the front cover page. The applicant applies for the work as a "book". No notice appears upon the stamps. This matter was before the Revisory Board on August 25, 1941, at which time a proof copy of the stamp was deposited. The Revisory Board now comes to the conclusion that the work as now deposited is not a "book," and that what is to be protected is the stamp and it must be considered as a print. No copyright notice appears upon the stamp itself and therefore it must be rejected and in so rejecting the examiner is sustained.

12. Auto FYRstop Co. (No Fee)--Class ? "AFS - Real Manual Distribution Value" and 2 others. The examiner is sustained as regards the two items upon which she has taken action in this case. The third item filed consists of a drawing of a foundation upon which has been built an arch. Upon each stone in the arch, including the keystone, are appropriate legends or words. Text matter is found upon the base. Even though the text matter is slight, when combined with the rest of the work is to be considered a "book," and the examiner is overruled in rejecting the work as not copyrightable. Applicant should be advised work subject to copyright after publication with notice.

13. Kellaway, N. W. (55809)--Class A. "Notes." The deposit consists of various inspirational impressions received by the author. In view of the fact that she states upon the title page "arranged by," the Examiner questioned the work as a compilation and whether the material was previously published. From the correspondence of the applicant there is nothing to indicate other than that the work is now being published for the first time, and registration should be made as applied for.

14. Schaefer (George) (62491)--Class A (?). "Good House Buying." The Examiner rejects for two reasons: 1. That the present reprint contains no new copyrightable matter to justify another registration; and,

2. The copy contains a misplaced notice. The Board, however, recommends that rejection be based upon the first point in that it is very doubtful whether the notice is misplaced, as it is upon what would ordinarily be considered the title page, except that the author has deliberately removed the title which previously existed upon that page in reprinting it, and he so states.

15. Quarrie Corp. (61788)--Class A. "Free and Inexpensive Educational Materials." The elements of the notice are widely separated upon the title page, and to constitute a notice at all "The Quarrie Reference Library" would have to be the copyright claimant. The application states, however, that the claimant is The Quarrie Corporation. The Examiner is sustained in rejecting on the basis of no name in the notice, and the Board sustains the Examiner, as it does not believe that inquiry should be made on the basis of a variance of copyright claim due to the doubtful character of the notice.

16. Farrell, G. A. & Sons (No Fee)--Class ? "Soldier Gift Package - 'Behind the Lines Supplies'." The works of art examiner rejects the deposit as material for design patent. It is the paper cover to be attached to the lid of the box, and it is possible that it might be considered a commercial label, and the Board therefore recommends that it be referred to the print and label examiner for consideration. *Also M-P. 937.*

17. McGee, Tom Gerald (62842)--Class ? "The Jesse Chisholm Trail." Deposit represents a dramatic composition made up of two parts and many scenes. Part 1 is very descriptive in its character, and yet that description amounts to dramatic action. All of the dialogue required, though slight, is present. Part 2 brings no question up at all as to whether it is a dramatic composition, as it is made up mainly of dialogue. The Revisory Board is of the opinion that the work should be considered as a whole, and as such registrable as a dramatic composition, and thereby overrules the examiner who holds that the work is a scenario and should be therefore rejected until published with the copyright notice.

18. Taylor, E. (Rev.) (No Fee)--Class ? "Certificate of Recognition." The deposit is a certificate, at the top of which there is a bursting sun in the clouds. The whole certificate is enclosed in a border. The examiner rejects the work as a blank form, and holds that the copyright notice does not contain the name of the copyright owner. The Revisory Board, however, contends that the work is subject to registration as a print, but inquiry should be made as to whether publication has taken place with the inadequate notice.

19. Dornan, Harry J. (60145)--Class A. "Dornan's New York Green Guide." The examiner rejects, holding that the name of the copyright owner is not in the notice. On the title page is the word "Copyright" followed by the year date 1914, immediately beneath which is the insignia of the

copyright owner, and beneath it his trade name. The Revisory Board recommends therefore that three questions should be asked: 1. Have copies of the work been published without any notice at all (copies had previously been deposited without notice); 2. Is the copyright claimant mentioned in the application (given as Harry J. Dornan) the sole owner or doing business as "Dornan"; 3. To what extent the present work is revised?

20. Caffey, Thomas W. (61360)--Class A. "God's Dealings with Mankind." The applicant wishes to state as part of his new matter "cloth binding with stamped title and paper jacket with design," in addition to "revision." The examiner requests application limiting the new matter to "revision" alone. The Revisory Board, however, contends that there is some doubt in its mind as to whether or not copyright extends to the cover jacket in view of Section 3 of the law, and therefore recommends that the applicant be permitted to state his new matter as "revision and paper jacket," but that in his application make no mention to the cloth binding or stamped title. *Also - MP 949.*

21. Tatarsky, Morris (60522)--Class G (?). "America - Faith - Determination - Results." This matter was before the Revisory Board on Sept. 16, 1941, at which time the examiner was sustained in recommending that the deposit was not a work of art. Subsequent to this action of the Revisory Board, consultation was had with the Register of Copyrights and he suggested that the Board reconsider the case in view of the possible doubt which existed as to whether the work could be considered a work of art. The Board now reconsiders and divides in its opinion, Mr. Smith recognizing a slight doubt present and resolving it in favor of the applicant, while Mr. Pforzheimer and Mr. MacCarteney have no doubt, and hold that the work must be rejected as not containing any copyrightable matter.

MINUTES OF THE REVISORY BOARD
COPYRIGHT OFFICE
Sept. 29, 1941

The Revisory Board met at 1:45 P.M. and adjourned at 2:30 P.M.
Those present were: Mr. Smith, Mr. Pforzheimer and Mr. Lasica.

Total time consumed, 45 mins.
Unanimous decisions, 15

1. Williams, Mrs. Floy M. (62374)--Class A. "To Our Great President." The Examiner rejects on the basis of inadequate copyright notice. On the first page of text is the title, immediately beneath the name of the author. Then follows a number of verses of poetry. At the bottom of the page is "Copyright July 30, 1941." The Revisory Board is of the opinion that the notice is acceptable in view of the fact that no member of the public could say in order to avoid charge of infringement that they were not able from the title page to ascertain the name of the copyright claimant, who in the present instance is the author. This action on the part of the Revisory Board it must be admitted is the result of a liberal interpretation of the provisions of the copyright law and a conference had recently with the Register of Copyrights regarding copyright notices.

2. Timberman (62885)--Class B. "Western Building, Sept. 1941." The Examiner rejects holding that the name of the copyright claimant is not in the notice. The notice reads as follows:

"Published monthly by The Timberman, 623
Southwest Oak Street, Portland, Oregon.
Official organ of Western Retail Lumberman's
Association and Utah Retail Lumber Dealers'
Association. Subscription: By mail \$2
per annum. Single copies, 20 c.
[Copyright 1941]"

The name of the copyright claimant is the publisher. As in the above case, the Revisory Board is of the opinion that any member of the public can ascertain from the notice itself, as it is given, that the publisher is the copyright owner.

3. Burlingame, George A. (62683)--Class A. "B & G Mathematics for Elementary and Junior High Schools." The copyright notice is rejected by the Examiner as not containing the name of the copyright claimant.

The reverse of the title page, however, reads as follows:

"Dedication

We dedicate this book to the boys
and girls of America. They deserve
the best education we can give them.

Sincerely,

George A. Burlingame
Mrs. A. E. Gookins

Copyright 1941

Printed in U.S.A."

The dedication statement signed by the authors is in the center of the page, while the words "Copyright 1941 - Printed in U.S.A." are at the bottom of the page. Nothing else appears upon the page. The Revisory Board is of the opinion that the notice is acceptable, in view of the fact that the authors of the work, Burlingame and Gookins, are the copyright claimants.

4. Hoffman, Frances B. (No Fee)--Class A or D (?). "Who Shall Measure Wolfgang." The deposit is identified by the applicant as "Nine dramatic sketches." The Examiner rejects the deposits as representing unpublished book material. The works, however, are quite dramatic in character, and contain the necessary dialogue. The Revisory Board therefore recommends that the material be received under the category of dramatic composition, and therefore the Examiner should go over the material again to ascertain whether there are nine separate dramatic works or if the action is so continuous from one sketch to another that it would be considered a single dramatic work. In the former case, nine separate "D" applications would be required, while in the latter case one "D" application only is necessary.

5. Darr, Mrs. James E. (54280)--Class C (?). "Corrective Personality and Selling - Discourse 1 & 2." The applicant states in his letter of Sept. 13:

"In some instances, I will deliver these addresses orally. In some other instances, the mimeographed copy will be distributed among the students taking the course and they will have the privilege of writing any questions they may wish to ask me."

The Examiner, however, rejects all of the "discourses" (so identified by applicant) as unpublished "books." The Revisory Board, however, overrules the Examiner, contending that those of the "discourses"

prepared for delivery are registrable in Class C, while others not so prepared, but which are being distributed in mimeographed form are to be considered "book" material subject to registration after publication with notice.

6. Thompson, T. N. (62925)--Class(?). "Official Yacht Racing Report Card, Ohio 1941." The fine art Examiner rejects the work as a technical drawing, but suggests A-1 after publication with notice. The work, however, is ⁱⁿ unpublished form, made up of considerable print matter, and advertises Ethyl gasoline. The Revisory Board is of the opinion that the fine art Examiner should have referred the material to the print and Label Examiner in the first instance.

7. National Cash Register Co. (Depost Acct.)--Class (?). "Little Man - statuette." This matter was before the Revisory Board on Sept. 11, and again on Sept. 16. After recent consultation with the Register of Copyrights, the Revisory Board is again of the opinion that the work cannot be considered as copyrightable in view of the fact that the applicant furnishes sufficient evidence to show that it is an advertising novelty, and hence protection should be sought by means of design patent. Protection for a possible fifty-six years by means of copyright should be prevented as a fraud upon the public if the work is actually an advertising novelty, in view of the fact that design patent protection would not be for as long a period and thus give the public opportunity at an earlier date to freely make copies of the object.

8. Westinghouse Electric & Mfg. Co. (No Fee)--Class (?). "Vitamin E - figure to be used in advertising displays." This matter was before the Revisory Board on Sept. 22, 1941. The question before it now is similar to the case just mentioned (National Cash Register Co.), and hence the material is rejected as properly being subject to design patent protection since it is an advertising novelty.

9. Jacobs, Amelia (61795)--Class A. "Fashion Show Survey." This matter was before the Revisory Board on Sept. 19, 1941. As in the case of the other applications which are being reconsidered at this Board meeting, the Revisory Board takes a different view at this time than it did before in view of the recent discussion had with the Register of Copyrights regarding use of a pseudonym in the notice. In the instance case the Revisory Board is of the opinion that the notice is acceptable even though it contains the pseudonym of the copyright claimant. It recommends registration of the copyright claim, but request should be made that an application be filed giving both the legal name and the pseudonym in line (1) on which line there should be placed the name of the copyright owner.

10. Rose, June (W.R. 37505)--Class A. "Buddies." This case is similar to the one just mentioned (Amelia Jacobs). This case was before

the Revisory Board on August 22, 1941, and the Board arrives at the same conclusion as in the above case, that is, that the name of the pseudonym in the notice is acceptable but that a proper application should be filed.

11. Dekema, Wouter (36473)--Class A. "Air Navigation" and "Celestial Navigation." The Revisory Board on Sept. 22, 1941 recommended to the Examiner that she accept the copies as deposited in this Office. Apparently, however, the Board was misunderstood, as the Examiner is passing for registration one work and rejects the other, suggesting refund. The Revisory Board now brings to the attention of the Examiner that its action of Sept. 22 is affirmed, and recommends registration of the other work in question, provided the application now in hand is in order; otherwise, a new one should be requested.

12. Weed, Arthur Elmer (62426)--Class I. "Regular Inscribed Seven-Sided Polygon." The work consists of several pages of drawing all related one to the other, and referring to a geometric problem. There is some text matter present, and the mathematical solution to the geometric problem. This is considered by the Revisory Board as an essential part of the drawing, so that it may be understood. The Examiner, however, rejects the work, holding that the drawing should alone be deposited and all of the text be removed, on the basis that it is only a subject of copyright after publication with notice. The Revisory Board, however, is of the opinion that the work should be accepted as a drawing of a technical or scientific nature, and registration made as applied for.

13. Hoar, John E. (62638)--Class A & I. "Barron Trade Area Commodity Survey Schedule" and "Barron Trade Area Trade Commodity Survey (Form 1)." This is made up of two works. In the case of one of the works before the Examiner she recommends rejection because the work is a blank form and also because it has an inadequate copyright notice. The Revisory Board, however, is doubtful whether the work can be considered a blank form, as there is text matter present on each page in addition to the compilation of data which is to be checked off by the one using the form. The rejection should, therefore, be limited to the lack of an adequate notice.

14. Haines, John William (63242)--Class (?). "The Colorizer" (18 Hue Color Wheel ... with celluloid dial). The applicant now appeals for reconsideration of his case. His work was rejected as being essentially a device even though there was only deposited by him a photograph of the object. He expresses a desire though at the end of his letter that copyright protection be given him for "arrangement of this wheel and the name of the colorizer." The Revisory Board sustains the Examiner in holding that the work even though unpublished is actually a device and hence not subject to copyright. It should be explained to the applicant that copyright cannot be obtained for an idea, system or method

of doing anything, and that his coloring scheme is such an integral part of the device that it is not subject to registration either as a technical drawing or as a work of art. Also, it should be explained that no copyright in a name can be obtained.

15. Paquin, R. E. (63459)--Class (?). "Keep 'Em Flying." The deposit consists of the words "Keep 'Em Flying" in the shape of a letter V. On either side of the V are three horizontal lines. The deposit bears no notice. The Examiner rejects for this reason. The Revisory Board, however, contends that rejection should be based not alone on the lack of notice but that it should be pointed out that there is not present any copyrightable subject matter to which a valid copyright claim could be made.