

DECISION OF THE REGISTER

Copyright Notice--Location of; Title Page--What is

In the case of "Murder Will Out--The Saxby Super Safe," remitters Carpenter, Abbott and Coulter, the facts were as follows:

Application is made for registration as a book. The contents of the book are six separate pieces of printed matter having no artistic purpose or effect, composed in the main of literary matter and diagrams. It is one of those cases where what can serve as a game, and does serve as a game, can legitimately be entitled a book within the meaning of the Copyright Act. These six parts are enclosed in a cover with an inside pocket, into which the parts fit. On the outside of the pocket and the inside of the front sheet of the cover there is a convincing amount of written matter.

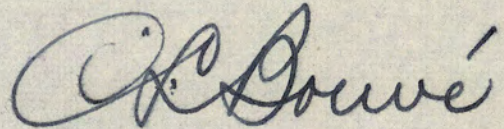
On the face of the front sheet of the cover is a flamboyant picture of a man with six fingers pointing at him, proceeding from six hands, all done in red and green--background black. In large and flamboyant type is the title: "Murder Will Out" followed by the words immediately underneath "The New Game Sensation." In the upper left-hand corner is a small inscription in red "The Saxby Super Safe." On the back sheet of the cover we have the words "The Saxby Super Safe" in red, the title "Murder will Out!" in large red type, though not as large or flamboyant as on the front of the pamphlet, and at the bottom of the printed matter which follows on the front *back* of this part of the cover, which contains three paragraphs of descriptive matter, the words "Published by Crime Preferred, Wrigley Building, Chicago, Illinois." On the bottom of the page is the printed notice "© Copyright 1937 By Crime Preferred."

Recommendation for rejection has been made on the ground that the copyright notice is not on the title page.

It is contended by the office that the front part of the cover is the title page for three reasons: first, because it contains the title "Murder Will out"; second, because of the arresting nature of the appearance of the cover; third, because it is at the front of the book. It is contended by counsel for the applicant that the back of the cover is the title page because it contains the title "Murder Will Out," followed by what ordinarily appears on any title page, the name of the publisher. I think it is a safe conclusion that a title page does not necessarily have to be at the front of a book. In this case what counsel for applicants claim to be the title page is just as accessible to the reader or user of this pamphlet as the front page. We have not the case here of a title page tucked in some apparently inaccessible portion of a published book. This brings us to this point: That the argument in favor of the fact that the front page is the title page is based on the fact that that page contains the title and is particularly arresting to the eye. The argument against this is that we have on the back of the



cover the title followed by the name of the publisher which usually is an indication of a title page. Without denying that the arguments submitted on behalf of rejection are entitled to consideration, I cannot say that they so far outweigh, if at all, the argument that a page bearing the title and followed by what apparently characterizes a title page, to wit, the name of the publisher, may not be considered a title page for the purposes of the copyright notice. Registration will be made and certificate issue.



Register of Copyrights.