

Notice

## M E M O R A N D U M

April 4, 1939

Remitter: Karoly, Carl Grosz (19041)--Class F

Title: "The Fare Way Around New York"

Question: Division of opinion as to adequacy of copyright notice.

The notice of copyright reads as follows:

"Designed and Copyrighted 1939 by Karoly."

The full name of the copyright owner given in the application is Carl Grosz Karoly.

It is the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce that the notice of copyright is adequate to permit registration. A letter should be written the correspondent suggesting that in the future the full name be included in the copyright notice. Mrs. Brady, on the other hand, is of the opinion that the claim should be rejected on the ground that the full name should be given in the copyright notice. She does not feel that the Sarony case is applicable in view of the fact that the copyright owner is not well known.

Respectfully submitted,

*W. Harvey Wise Jr.*

Chairman, Revisory Board

Register, but write, order of Mr. Howell. "Karoly not so well known as Sarony but is quite as unusual. At any rate, it would be for the defense to show there was another Karoly in the same business of map making."

MP-255

Notice

MEMORANDUM

April 4, 1939

Remitter: Shosteck, Robert (20549)--Class F

Title: "Trails of the Potomac Valley--Chain Bridge to Great Falls"

Question: Division of opinion as to adequacy of copyright notice.

The notice of copyright reads as follows:

"Drawn by Jalickee & Shosteck © 1939"

The full names of the copyright owners given in the application are Robert Shosteck and Julius Jalickee.

It is the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce that the notice of copyright is adequate to permit registration. A letter should be written the correspondent suggesting that in the future the full names be included in the copyright notice. Mrs. Brady, on the other hand, is of the opinion that the claim should be rejected on the ground that the full name should be given in the copyright notice. She does not feel that the Sarony case is applicable in view of the fact that the copyright owners are not well known.

Respectfully submitted,

*W. Harvey Eise Jr.*

Chairman, Revisory Board

Register--order of Mr. Howell. "In view of Lydiard v. Paterson Co., v. Woodman (C.C.A. 8th, Mar. 3, 1913, 204 F. R. 921, Bull. 17, p. 156) there may be some question as to "Drawn by;" but otherwise the notice contains all the essential elements (18) and informs the public of the existence of copyright and who owns it."

With reference to the majority opinion in the case of the map, "Trails of the Potomac Valley," submitted by Robert Shosteck:

The following memorandum is an expression of my reasons for a dissenting opinion. The deposit under consideration is a map upon which appears the statement--"Drawn by Jalickee & Shosteck. © 1939." I wish to call attention to the decision of the Register of Copyrights in the case of a book filed by the University of Chicago--see correspondence under Remittance No. 37999. This case came up before the Revisory Board on July 27, 1937. The copies bore a notice as follows--"Copyright 1936. Revised 1937 by the University of Chicago." This deposit was referred to the Register of Copyrights for decision with respect to the notice. The Register's decision was expressed in these terms--"This is no notice of copyright. Only a statement of authorship." ~~Then~~ The application which was in the name of the University of Chicago was rejected. <sup>In the case under consideration</sup> Moreover, it seems doubtful that where two surnames are used in a notice to the public, implying a partnership, the owners are not identified to the public when they are actually two separate individuals. It is obvious from the names and addresses given in the application and in the city and telephone directories, that these two men are two individuals and not a legal partnership. The attempted notice therefore appears to me to be fatally defective on two counts--

1. That there is no notice only a statement of authorship;

2. That the name in the attempted notice is not the name of a legal entity and therefore does not identify the two individuals who appear in the application as joint claimants.