

MP-514

BOOK

MEMORANDUM

July 31, 1940

Remitter: Arno W. McGraw (23416)--Class A.

Title: "An Opportunity is Offered"

Question: Division of opinion as to whether registration should be made notwithstanding the applicant's failure to answer our letters.

It may be that the doubt could have been solved in the first place in favor of registration, since there is no apparent incompleteness in the copies, which merely refer to a book about the World's Fair intended to be circulated with them. This book about the World's Fair is not the subject of the application. Possibly also the method by which the copies are manufactured, which is one frequently adopted, does not clearly indicate that publication has not taken place.

On the other hand, where the Office has taken the position that it cannot register without more information, and where its requests for such information are ignored, it stultifies our action to merely give in and register without the information, thus implying that there was no need of asking it to begin with. In the opinion of Mr. DeWolf and Mrs. Brady, therefore, the Office should maintain its consistency by refunding in such cases. The applicant may always reopen the matter if he desires.

Respectfully,

A. L. DeWolf

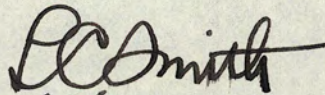
Acting Chairman, Revisory Board

August 3, 1940

Mr. Howell approves entry.

Minority opinion to accompany memorandum dated July 31, 1940,
referring to unfinished business No. 23416 of Arno W. McGraw.

Mr. Smith is of the opinion that the deposit should not have been questioned in the first instance, in that it is complete in itself and it does not appear that the copyright claim extends to any more than the single folded sheet which was deposited. He therefore recommends entry.



L. C. Smith

August 3, 1940

Mr. Howell approves entry.