MP-654

PUBLICATION

MEMORANDUM

January 13, 1941

Remitter: Edward G. Billings (60114)--Class A.

Title: "Personality Study Outline for Clinical Use" and one other.

Question: Publication.

The applicant states that he has been checking up on the number of copies ~~and use~~ that were distributed in September, 1938, and he has arrived at the conclusion that these manuscripts were distributed to a few medical students but were not placed on sale, sold or otherwise publicly distributed. It is to be noted that the manuscript is mimeographed and did not bear a copyright notice at the time of the original distribution.

Mrs. Brady and Mr. MacCarteney are of the opinion that no actual publication took place and hence the work has not as yet been published and the application for registration of the statutory copyright claim should be rejected. Mr. Smith is of the opinion that if the copies were given to the medical students as outright gifts then it appears that the work is certainly published, for the law does not state that there must be more than a "few copies" released from the control of the copyright owner before actual publication takes place. Therefore, to be consistent with the case of Dr. Helen Walden which came before the Revisory Board on the same date as this case Mr. Smith holds that the work was published without a copyright notice, and, therefore, it has been dedicated to the public.

Respectfully submitted,

R. C. Smith

Acting Chairman, Revisory Board

Write and explain publication and year date which should appear in the copyright notice. "Publication to a few medical students" is doubtful publication.--H.A.Howell.

MP-654

BOOK

M E M O R A N D U M

January 13, 1941

Remitter: Edward G. Billings (60114)--Class A.

Title: "Personality Study Outline for Clinical Use" and one other.

Question: Publication.

Write and explain publication and year date which should appear in copyright notice. "Publication to a few medical students" is doubtful publication.--H.A.Howell.

MP-654

NOTICE

MINORITY MEMORANDUM

January 13, 1941

Remitter: Remindoguide Co. of America (No. 2021)

Title: Remindoguide

Question: Position of Notice of Copyright

The deposit in question is a cardboard sheet 10 1/2 inches wide by 14 inches long, having in the central space a thick pad of shopping lists, reminders of possible household wants. The pad is 9 1/4 inches in length and six in width, occupies the greater part of the cardboard sheet, and is flanked on each side by six calendar months of the year 1941. There is some advertising text at the head of this deposit, and a title "Ambler Feed and Fuel." The title given in the application, however, is "Remindoguide," which is the heading of each of the sheets. There are 56 of these sheets, presumably one for each week of the year, and the correct statutory notice of copyright is printed under the pad of 56 sheets, and apparently would not be discovered for a year. It is, in fact, at the end of the book, this being a book entry, and for that reason fatally defective.

M. C. Brady

Enter as applied for--H.A.Howell. "The user is told to see instructions under the pad and when he does so he also sees the copyright notice."

MP-654

COPY

NOTICE

RSM:fsm
1-23-41

January 29, 1941

Dr. Helen Walden
1262 81st St.
Brooklyn, New York
New York

Dear Madam:

Your letter of January 3, with reference to your doctor's thesis entitled "Jean Paul and Swift" has had the attention of the Office. Application for registration of this work was originally rejected on the ground that the work had apparently been published with inadequate copyright notice.

It is now understood that only a few copies of the book with insufficient notice were given away to personal friends of yours as Christmas gifts. If this is the extent of distribution, then it could reasonably be held that statutory publication, which is public availability, has not been effected and your rights accordingly not forfeited because of inadequate notice. It is accordingly suggested that the few copies distributed be recalled for the purpose of stamping your name as claimant under the notice. The work could then actually be published, either by placing it on sale or otherwise making the work available to the public.

The date of publication is defined in the law as the earliest date on which copies of the first authorized edition are placed on sale, sold or publicly distributed by the proprietor of the copyright or under his authority. It would therefore be necessary for you to file a new application giving as the date of publication the day on which copies bearing the correct notice were officially placed in circulation. Since the Office has one copy which bears a copyright notice, the application and registration fee of $2.00 should be accompanied by a second copy also with the notice corrected. Following completion of registration the prepublication copy with inadequate notice may then be returned to you.

Please refer to "No Fee" when sending in the required material.

Enclosure:
Form A1
Cir. 16

Respectfully,
C. L. BOUVÉ
Register of Copyrights

By

N.G.H. said distribution of copies as gift to few friends is lawful Publication - Suggest recall of copies & issue and Connection of Notice