

MINORITY MEMORANDUM

January 9, 1942

Remitter: The Powers Company (76764)

Title: Student Navigational Computer

Question: Whether this registration should be made in the name of the author, Wm. J. Catlett, Jr., as given in the notice of copyright and in the original application I-1 filed Nov. 27, 1941, or in the name of the printers, J. J. McMahon, doing business as The Powers Co., as found in the A-1 application filed Dec. 24, 1941.

This Company, The Powers Co., is listed in the Mobile, Ala., directory as follows: Powers Co., The (John J. McMahon) printers, 106-108 St. Michael.

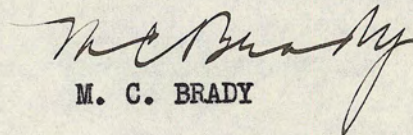
This deposit was originally applied for in Class I as a published drawing of a scientific or technical character, by Wm. J. Catlett, whose name, in the opinion of the undersigned, is found in the notice of copyright on the deposit. The application I-1 was rejected as pertaining to a Computing Device, which would not be subject matter of copyright. This recommendation by the Examiner was overruled by the Revisory Board on December 9, 1941, in favor of a registration as "book," upon the receipt of an A-1 application giving after the title in line (6) the disclaimer: Copyright not claimed in the device features. Such application was requested and received on Dec. 24, 1941, but not giving the copyright owner as in the original I-1 application. The new application gave as owner, J. J. McMahon doing business as The Powers Co. The undersigned is in disagreement with the two other members of the Revisory Board, Mr. MacCarteney and Mr. Lasica, who are in favor of accepting this second application without question. The undersigned points out that the name of the copyright owner as given in this second application, A-1, not only is at variance with the statement of ownership in the original application I-1, but is also at variance with the notice found on the lower left hand corner of that page of the deposit declared to be copyrighted as a "book". This legend appears as follows:

Copyright 1941
Designed by
Wm. J. Catlett, Jr.

It contains it is true a statement of authorship, as well as of ownership, but it would certainly convey to the public that both the authorship and ownership were vested in Wm. J. Catlett, Jr. The statement on the lower right corner of the deposit, not printed in conjunction with the Copyright 1941, and reading: "Produced by The Powers Co., Mobile, Ala.," is in the nature of an imprint and refers entirely to the reproduction

of the copies, The Powers Co. being as before stated a printing company located at Mobile, Ala.

The undersigned is therefore in favor of further correspondence explaining to these remitters the requirement for registration in the name of the copyright owner as given to the public through the notice of copyright.


M. C. BRADY

Register as applied for. W. H. Wise, Jan. 14, 1942.

Notice of Copyright

MINORITY MEMORANDUM

January 9, 1942

Remitter: Ackermann, Arthur & Son, Ltd. (41423)

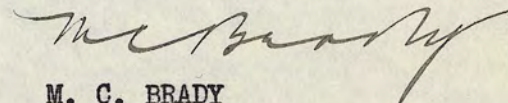
Title: "Greylags Rounding Up to Settle" by Peter Scott

Question: Should a "small illustration" of an English print, published in England with the notice required by the U. S. statute, be accepted as a deposit in view of the loss in transit of the actual print and destruction of the remainder of the edition by "enemy action"?

The undersigned approves of the acceptance of the deposit received December 31, 1941, in view of the statement made by remitter in letter of November 25, 1941 and received December 31, 1941. This letter written by a London firm from which the Copyright Office has received in the past three years a number of prints of exceptional value, each bearing the notice of copyright required by the U. S. statute, sets forth ^{FRANKLY} the unfortunate circumstances which have made it impossible to deposit copies of the best edition. The letter states:

"The copy of 'Greylags Rounding Up To Settle,' by Peter Scott was despatched to you at the end of April last and we are afraid that it must have been lost in transit. In the meantime our premises were completely destroyed by enemy action and we lost a very large number of these prints. We regret therefore that we have not a copy which we can forward for registration of copyright. We enclose a small illustration of the subject and should be glad if under the circumstances the Register of Copyrights would accept this."

In the opinion of the undersigned, the filing of this letter with the deposit, with possibly a reference to the letter on the index card, would permit the registration of this claim to be made. In other instances, this Office has been constrained to make registrations of unquestionably doubtful copies because of specious statements made by the remitters responsible for their deposit. In such cases the registration "has been made for what it is worth". Therefore, the undersigned thinks that such action should be taken in the case under consideration, and the remitter should be so informed.



M. C. BRADY

Deposit is admittedly a proof copy and lacks copyright notice.

Regrettably we cannot register notwithstanding difficulty of obtaining copy. If the work was published with notice, copyright has been secured and registration may be made any time during 28 yr. period.

W. H. Wise, Jan. 14, 1942