

MEMORANDUM

MP-47  
Notice  
motion  
pictures

December 21, 1937

Remitter: Time, Inc.

Title: The March of Time

Question: Sufficiency of copyright notice on motion picture

The copyright notice submitted on the motion pictures of Time, Inc., for "The March of Time" by J. E. Burns, agent, for Time, Inc., have for some time given the copyright notice in the first frame of the film. In this position the notice is never flashed upon the screen with the title of the film or any of the pictures. One who examines the film would find the notice at the beginning of the film, but the question is now raised whether this notice is sufficiently inadequate as to form the basis for rejection of the copyright. The publisher of the film "March of Time" has been advised that the better position for the copyright notice is under or near the title, but so far have not complied with the Office's request.

Question: Shall the Office continue accepting for copyright motion pictures with this form of notice?

Respectfully,

**W. H. Wise**

Chairman, Revisory Board

Note--write warning letter re position of notice.

The Office will not refuse copies, but see carbon of letter of December 22, attached hereto.

NEW:VW  
12-23-37

Gentlemen:

The attention of the Office has been called to the fact that for some time the notice of copyright appearing upon your motion pictures entitled "The March of Time" has been placed at the beginning of the film in such a way that, if our understanding is correct, it is not thrown upon the screen. The Copyright Law, as you are probably aware, in the case of a motion picture is not specific as to the position of the copyright. It is the practice, however, of all motion picture producers to place the notice under or near the title, and it would seem that it might be to your advantage to follow this practice. Your attention is called to a very recent decision of the Circuit Court of Appeals of the Second Circuit rendered December 6, 1937. The case is entitled Patterson v. Century Productions, Inc., et al. In this decision the projection of a motion picture on the screen was held to be a copy. In view of the provision of the copyright statute requiring the notice of copyright to appear on all copies, the prudent course, it would seem, would be to so place the notice on the films that it is shown upon the screen when the films are projected.

Respectfully,

C. L. Bouré  
Register of Copyrights

Time, Inc.  
135 East 42nd St.  
New York, New York