

BOOK
(See "Copyrightable?")

M E M O R A N D U M

April 8, 1940

Remitter: Elder Henry Williams (No Fee)--Class A.

Title: "To Whom it May Concern--This is to certify that.."

Question: Division of opinion as to whether certification that a person is duly authorized to raise money for the Saints Home at Potter, New Jersey, is evidence of sufficient original authorship to justify registration.

Reject--H. A. Howell 4/13/40.



MEMORANDUM

April 8, 1940

Remitter: Marcia Oral Clutler (21960)--Class G?

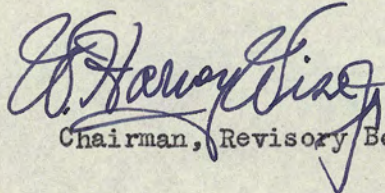
Title: "Princess Annabel Beatrice Constance de Cum Button"

Question: Division of opinion as to whether stuffed figure ornamented with buttons is registrable as a work of art.

Applicant has submitted an application under Class G for a "design for a work of art" and has transmitted a photograph of a figure covered with numerous buttons with varying designs, uses, etc. Applicant describes the work as "a figure stuffed and covered with buttons, face molded over cloth 5'4"."

In the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce registration should be made as applied for as a design for a work of art, giving the applicant the benefit of the doubt. Mrs. Brady, on the other hand, feels that the application should be rejected because the work does not represent a "sculpture."

Respectfully submitted,


Chairman, Revisory Board

Not a design for a work of art, but the work itself. Send J2 with explanatory letter--H.A.Howell. Entered as J2 5/7/40.

BOOK
(SEE "Published")

MEMORANDUM

April 8, 1940

Copyright Owner: Jeferson Publishing Co.
Remitter: Irving L. McCathran (16553)--Class A.

Title: "Advertising Material for Christmas Sav-A-Way Club"

Question: Division of opinion as to whether publication has
taken place.

"I think this clearly belongs to the class of registrable
proof material and recommend entry.--H.A. Howell.

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Question: Division of opinion as to whether certification that a person is duly authorized to raise money for the Saints Home at Potter, New Jersey, is evidence of sufficient original authorship to justify registration.

Registration is desired for the following certification:

To Whom It May Concern

This is to certify that.....
has been duly authorized to raise money to foster the Saints Home at Potter, New Jersey

This issue is by order of the Supervisor,
ELDER HENRY WILLIAMS the Founder of the Saints Home
We ask with Prayer for your donation.

SISTER TILLIE WILLIAMS, Secretary,
Potter, New Jersey

In the opinion of Mr. Wise, Mrs. Brady, and Mr. Pierce there is not sufficient evidence of original authorship to justify registration of a claim to copyright in this certification. It embodies standard forms of expression which would be employed by anyone in preparing a certification of this type. Under these circumstances it is their opinion that registration should not be made for this work. Mr. Smith, on the other hand, feels that there is sufficient evidence of authorship to justify action of an application for copyright registration.

Respectfully,

B. Howard Wise
Chairman, Advisory Board

Reject--order of Mr. Howell 4/13/40

MP-450

PUBLISHED

MEMORANDUM

April 8, 1940

Copyright Owner: Jefferson Publishing Co.
Remitter: Irving L. McCathran (16553)--Class A.

Title: "Advertising Material for Christmas Sav-A-Way Club."

Question: Division of opinion as to whether publication has taken place.

There has been filed in behalf of the Jefferson Publishing Company an application for registration of the above entitled work accompanied by copies consisting of what appear to be separate advertisements destined for ultimate publication in newspapers or periodicals. The name of the particular company or store is not printed on the various pages. The Office has conducted correspondence questioning publication and whether the copies submitted are of the best edition published. Mr. McCathran has responded stating that: "publication as required by the law has actually taken place and copies of the subject matter included in the copyright application have been actually placed on sale and offered to prospective purchasers. Furthermore, the copies submitted are not proof copies but the copies submitted are actual copies of the publications as placed on the market. Furthermore, the subject matter was not offered to a select group of persons to establish a technical publication, but was offered and is being offered for bona fide purpose of sale."

In the opinion of Mr. Smith, Mrs. Brady, and Mr. Pierce the material filed has not been published and the application should be rejected. Mr. Wise, on the other hand, is inclined to agree that publication has not taken place, yet finds insufficient evidence upon which to base a rejection. Applicant states that this material is in the form in which it is submitted to the prospective purchasers, i.e., merchants, etc. If this fact is true and there is an offer to all members of the interested public of copies in this form a publication has in fact been effected, and these are copies of the best edition now published. The fact that publication has not yet taken place is somewhat substantiated by the following statement on one of the sheets: "Cool Thoughts for a Hot Day, Today is January 2d, 1941." Under these circumstances it is opinion that the application should be accepted.

"I think this clearly belongs to the m class of registrable proof material and recommend entry."--H. A. Howell

Respectfully submitted,
H. A. Howell
Chairman, Revisory Board

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