

MP-478

PRINT

MEMORANDUM

May 29, 1940

Remitter: Bissell Carpet Sweeper Co. (32950)--Class K?

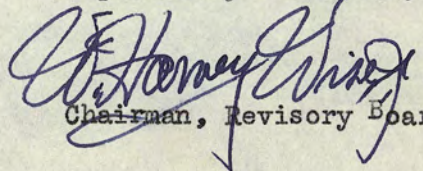
Title: "Bissell's Little Helper"

Question: Division of opinion as to whether registration can be made in the Copyright Office at this time as a print or pictorial illustration.

The material submitted presents a pictorial illustration and reference is made to the Bissell Carpet Sweeper. The Patent Office through its examiner, Mr. McCracken, has indicated that the application would be rejected if filed there because the material is not descriptive of the article of merchandise.

Under these circumstances in the opinion of Mr. Wise, Mrs. Brady, and Mr. Pierce the applicant has no recourse other than at the Copyright Office. The material clearly shows pictorial matter which is apparently the result of original authorship and is believed entitled to copyright protection. Since the Patent Office has refused registration, in their opinion application filed here on form K should be accepted. The question of what action should be taken in this Office after July first is one which should be taken up after that time when the Act with respect to the transfer to the Copyright Office of prints and labels used for articles of merchandise becomes effective. Mr. Smith, on the other hand, feels that this material clearly should be registered as a print relating to an article of merchandise and recommends that the material be held in abeyance until after July first when consideration of such an application will be in order.

Respectfully submitted,



Chairman, Revisory Board

Enter--order of Mr. DeWolf 6/4/40.

MP-478
PRINT

MEMORANDUM

May 29, 1940

Remitter: Bissell Carpet Sweeper Co. (25807)--Class K?

Title: "Bissell's Little Helper"

Question: Whether print is subject to print or label registration at Patent Office.

Mr. Wise, Mrs. Brady, and Mr. Pierce are of the opinion that the prints entitled "Bissell's Little Helper" can be registered under Class K in this Office and that in view of the doubtful character of the works no question should be raised at this time as to possible print and label registration because it is understood that the Patent Office has refused registration of these works under that category.

Mr. Smith is of the opinion, however, that the works in question are prints published in connection with the sale of articles of merchandise, namely, toy carpet sweepers, and hence the prints should be held until July first, at which time request should be made for proper applications under the print and label regulations.

Respectfully submitted,

C.C. Smith

Member, Revisory Board

Enter--order of Mr. DeWolf 6/4/40.