

MP-547

PHOTOGRAPH.

MEMORANDUM

August 29, 1940

Remitter:
Clever, Carl E. (52677)--Class J.

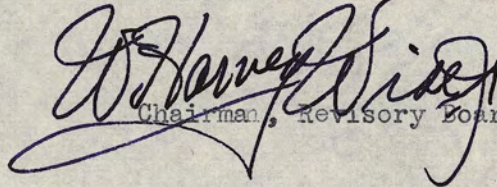
Title: "The Constitution by Howard Chandler Christy."

Problem: Published photograph of work of art, i.e., painting
or sculpture.

It has been well established by practice for some time that an unpublished photograph of a work of art is registrable as such upon the receipt of an application on form J2. When the same photograph is published the Office has accepted applications on form H as "reproduction of a work of art." Query: Should published photographs of works of art be registered under class H or J1?

In the opinion of the Revisory Board the preferable classification is class J,—photograph—for the published as well as the unpublished work. However, where an applicant chooses form H and desires to make registration as a reproduction of a work of art the application should be accepted because in reality the photograph does reproduce a work of art and the lighting, position, etc., may reveal original authorship subject to copyright protection.

Respectfully submitted,


Chairman, Revisory Board

Approved by Mr. Howell.

WORK OF ART
(Reproduction)
(See "Photograph")

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