

MINORITY MEMORANDUM

November 5, 1940

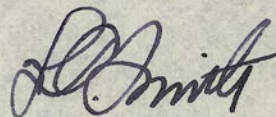
Remitter: L. A. Davis (No. 64480) - *Class K?*

Title: "St. Pete High School"

Question: Does a novelty metal identification plate, constructed for the purpose of attaching to the ordinary auto license plate fall under any one of the classifications subject to copyright.

The applicant has filed a metal plate upon one-third of which appears the drawing of a devil's head, the other two-thirds bearing the sign, "St. Pete High School" (the purpose of which is to identify students of the St. Petersburg, Florida, High School, who, it is understood, are known as "The Green Devils"). The metal plate is so constructed that it can be readily fastened either above or beneath the ordinary auto license plate. The two copies which were deposited bear the proper copyright notice for a print. With these copies was filed a class K application. Mr. De Wolf and Mrs. Brady are of the opinion that this is subject to registration under Class K, for they feel that the mere fact that the print appears upon a metal plate of this character should not be sufficient to remove it from copyright protection. They feel that if the same print appeared upon a paper sticker which might be pasted upon the windows or any other portion of the automobile, no question would be raised about its classification under K.

Mr. Smith is of the opinion that this license plate attachment is no different from the ordinary lapel button such as is used during political campaigns, which often contain considerable pictorial matter. Yet it has been the practice of this Office, both in connection with license plate attachments and novelty buttons, to refuse registration and to suggest to the applicant that proper protection should be sought by means of design patent.



L. C. Smith

Enter upon receipt of application eliminating "license plate" from title line--H.A.Howell.

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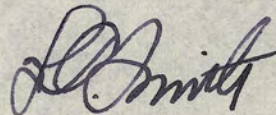
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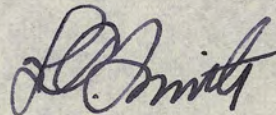
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