

MP-612

GAME

MEMORANDUM

November 14, 1940

Remitter: Zachary T. Wobensmith II (68461)--Class A.

Title: "Attack--Rules."

Question: Division of opinion as to whether registration may be made for the rules of a game published with copyright notice adjacent thereto but in connection with a game board.

The copies filed are reproduced by photo-lithograph on rather light paper. The entire upper portion of the sheet is devoted to pictures of men in military uniform. In the lower righthand quarter appears considerable text matter constituting the rules of the game. The title over the rules reads:

ATTACK

Copyright, 1940, by Anne Lynaugh and Katherine Costello
RULES

In the lower lefthand quarter appear a number of spaces which, when the work is finally completed, will doubtless represent the gameboard. Correspondence has been conducted on the subject of publication and the correspondent confirms the statement under oath that public distribution of copies took place without restriction on October 23, 1940. The only question remaining is whether registration can be made for the rules.

In the opinion of Mr. De Wolf and Mr. Wise registration should be made for the rules upon the receipt of an application giving the following title: "Attack--Rules." In reaching this decision considerable weight is given to the fact that the notice of copyright is printed in close juxtaposition to the rules and is clearly applicable thereto. It is not placed in such a position that it may be argued that the claim is based upon the game board as well as the rules. Furthermore the work as filed does not constitute a playing game board but rather a drawing for a game board. In view of all of these circumstances Mr. De Wolf and Mr. Wise reach the conclusion that registration may be made for the rules upon the basis of publication in this form. Mr. Smith, on the other hand, feels that the application should be rejected since the game board predominates.

Register as applied for. This is not the
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is played with pictorial illustrations of
the type of soldiers.--H.A.Howell.

Respectfully submitted,

James Wise
Chairman, Revisory Board

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