

MP-629

PRINT AND LABEL

MINORITY MEMORANDUM

December 10, 1940

Remitter: Safety Car Heating & Lighting Co., Inc. (77809)

Title: "List of Parts, Safety Steam Pressure Reducing Valve No. 150983-S, 50 lbs. No. 150984-S, 30 lbs. Form 3967"

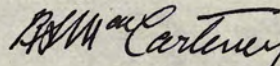
Question: Whether the work is registrable as a commercial print or as a book (as applied for).

It is the understanding of Mr. MacCarteney that in order to be registrable as a commercial print a work must contain some artistic element. Under Rule 7B of the Copyright Office rules governing the registration of commercial prints and labels "The term 'print' is defined as an artistic and intellectual production," etc. Further, under the memorandum entitled "Notes of a Conference Between the Register of Copyrights, Mr. Howell, Mr. DeWolf and Mr. Reed, September 16, 1940, prepared by Mr. DeWolf and corrected by the Register of Copyrights, "A single sheet published in connection with the sale or advertising of articles of merchandise and containing some artistic element in the shape of one or more pictures....is a commercial print even though folded one or more times." It will be noted that in Rule 7B the artistic element is given as the foremost requirement of a print, and in Mr. DeWolf's memorandum it is the only one specifically mentioned.

It is submitted that the leaflet in question includes no artistic element whatsoever. The only pictorial element occurs on page 2 and is in the form of a technical drawing of a section of some engine. Certain parts of this engine are indicated by numbers corresponding to the listing of those parts on the page opposite the drawing. Under the rules of the Copyright Office such a drawing could only be classified for purposes of registration as a drawing of a scientific or technical character.

In the opinion of Mr. MacCarteney the absence of all artistry prevents registration of the work as a commercial print, notwithstanding the undisputed fact that the text and technical drawing relate to articles of merchandise in the form of the engine parts listed. Accordingly it is his opinion that the work is essentially a book and should be registered as such.

Respectfully,



R. S. MacCarteney

Write usual letter recommending KK, and get their reaction.

Applicant responds that work is distributed in connection with service rather than for the sale or advertisement of the articles of merchandise. Register as A1 as applied for.--H.A.Howell

BOOK
(SEE "PRINT AND LABEL")

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