

PRINT AND LABEL  
OF  
(SEE "BOOK")

M E M O R A N D U M

December 13, 1940

Remitter: Dennison Manufacturing Co. (68845)--Class KK

Title: "Now You Can Put Your Finger On It"

Question: Whether the work is registrable as a commercial print  
or as a book.

Register as A1 as applied for--H.A.Howell. 12/16/40.

MINORITY MEMORANDUM

December 18, 1940

Remitter: Dennison Manufacturing Co. (68845)--Class KK

Title: "Now You Can Put Your Finger On It"

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

It is the understanding of Mr. MacCarteney, as expressed in his Minority Opinion Memorandum of December 10, relative to the application of Safety Car Heating & Lighting Co., Inc., for the work entitled "List of Parts, Safety Steam Pressure Reducing Valve No. 150983-S. 50 lbs. No. 150984-S. 30 lbs. Form 3967," that in order to be registrable as a commercial print a work must contain some artistic element. See the definition of print embodied in Rule 7B of the Copyright Office rules governing the registration of commercial prints and labels and also the definition of print as expressed in Mr. DeWolf's 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."

It is submitted that the folder now in question entitled "Now You Can Put Your Finger On It" contains no original artistic element. The only pictorial matter present is a conventionalized reproduction of a pointing hand on the outside cover. There is nothing original in this symbolized drawing, and it follows that it could not be included as a basis for the determination of the classification of a claim of copyright. The meat of the work is the full length chart on the inside of the folder expressing facts about gummed papers. This chart is expressed both in textual and tabular form and clearly (to the undersigned) belongs to that type of material defined as "and other compilations" under sub-section (a) of Section 5 of the Act. It seems further that the primary purpose of this folder is not its relation to the sale or advertising of an article of merchandise, but rather its purpose is to give essential information as to the various classes of gummed papers, their uses and specialties.

In the opinion of Mr. MacCarteney the absence of all original artistic element together with the overwhelming preponderance of text and tabulation renders this work a book within the copyright meaning of the term and is persuaded that registration should be made as applied for, namely, on Form A-1.

Respectfully,

*R. S. MacCarteney*

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