

MP-415

Calendar.

MEMORANDUM

February 26, 1940

Remitter: American Colortype Co. (2281) and Sentinel Printing Co. (6021)--Class A

Title: "The Christian Art Calendar 1941" and "Our Church Calendar De Luxe Edition 1941" respectively

Question: Publication--1941 Calendars submitted to salesmen to solicit orders.

I. The American Colortype Company Application has been filed in behalf of R. J. Geimer for registration of "The Christian Art Calendar 1941" giving as the date of publication December 13, 1939. In response to the Office communication questioning publication, the applicant responds that publication has taken place by the distribution "of several thousand" calendars "to all the salesmen in the country." Upon the basis of this wide distribution the Revisory Board thought that publication had taken place and that the applicant was entitled to registration. Accordingly registration has been recommended.

II. The Sentinel Printing Company Application has been submitted by the Sentinel Printing Company for "Our Church Calendar De Luxe" giving as the date of publication December 27, 1939. In response to the Office's question concerning the publication of these 1941 calendars in 1939, the applicant states "We have already sent you two complete copies of our 1940 calendar which we are selling at the present time. This is customary with all calendar manufacturers." This case seems analogous to the preceding case although the applicant has not presented his case in quite so convincing a manner.

A case somewhat in point is that of the Teich, Curt & Company, Inc., in correspondence concerning their registration of "Homecraft Calendar 1940", "Farm Record Calendar 1940" and "Recipe Calendar 1940." On April 12, 1939 the Office conducted correspondence calling the applicant's attention to the fact that the calendars as submitted seemed to be in the nature of sample



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copies which carried no particular advertising, etc., and in view of this fact apparently the applicant had confused printing with publication. The response to this communication was not entirely satisfactory. The pertinent part of the response dated April 18 reads as follows: "In view of the fact that these copies cannot be copyrighted in their present state, may we suggest that you return to us the remittance in the amount of \$6.00." The applicant apparently misunderstood our letter requesting a statement of publication as a rejection of his applications. The Office on April 29 refunded the fees without conducting further correspondence. This case is presented herewith as of possible assistance in reaching a definite conclusion in the handling of material of this character.

Respectfully submitted,

*W. Howard Deery, Jr.*  
Chairman, Revisory Board

Enter--order of Mr. Howell 3/9/40.



Work of Art

MEMORANDUM

February 5, 1940

Remitter: Albertype Co. (6902)--Class H?

Title: "Sailfish," "Westward Bound," "The America Out of Charlestown..," "Dolphin", "A Giant Marlin," "Next in Importance is Freedom and Justice," "Scratch Drawing of a Chinese Junk," and "A Rose Silhouettes entitled 'Nobody Knows What's in the Heart of a Rose'."

Question: Division of opinion as to whether post cards may be registered under Class G1 as works of art.

Correspondent has submitted eight applications on forms G1 (as published works of art) for artistic pictures or prints. Three of the pictures are in the form of post cards. All three members of the Revisory Board present--Mrs. Brady, Mr. Wise, and Mr. Pierce--agree that registration may be made for all of the material with the exception of the post cards.

In the case of the post cards Mrs. Brady is of the opinion that applications should be submitted on forms K since in her opinion the material is more properly classified in the category of prints or pictorial illustrations. Mr. Wise and Mr. Pierce, on the other hand, acknowledge that the material is registrable under Class K, but are of the opinion that they may also be registered under Class G as works of art as applied for by the applicant.

Respectfully submitted,

*W. H. Wise Jr.*  
Chairman, Revisory Board

1. "Rose Silhouette requires citizenship."
2. "Descriptions seem adequate where no titles appear"
3. "G-1 may be accepted for all; but send the 'art' circular and explain that many of these subjects would seem eligible for Class H."--order of Mr. Howell 2/19/40.