

MP-483

Book

MEMORANDUM

June 7, 1940 (minutes)
May 28, 1940

Remitter: Bratchet, Benny, Ltd. (27314)--Class A.

Title: "The Bratchets"

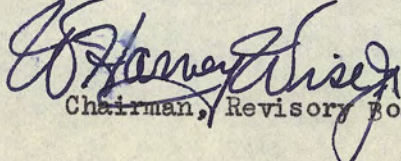
Question: Division of opinion as to whether a new claim of copyright may be based upon a new jacket alone.

The application submitted for registration of this revised book states that the new material consists of "merely change in cover and new publisher." It is admitted by all members of the Board that a new publisher is no basis for a new claim of copyright. There is a division of opinion, however, as to whether the cover alone is sufficient to support a copyright claim.

Mr. Pierce is of the opinion that the cover forms an integral part of the book and that it contains pictorial and text matter subject matter of copyright, that the notice of copyright on the back of the title-page can only be applicable to the cover and anyone interested can determine to what the second notice of copyright applies by communicating with the Copyright Office. He, therefore, is of the opinion that the application submitted should be passed for registration.

Mrs. Brady and Mr. Smith, on the other hand, take the position that the application should be rejected, following the recent ruling by Mr. Howell in the case of "Hell on Wheels" (Penn Publishing Co.). In that case the only new matter consisted of a new picture on the cover and Mr. Howell discouraged registration pointing out that the cover would very soon become disassociated from the book. He also pointed out that the notice did not appear on the cover and when it did become disassociated anyone examining it would not be aware that copyright was claimed therein.

Respectfully submitted,


Chairman, Revisory Board

Reject--order of Mr. DeWolf 6/11/40

DEVICE

M E M O R A N D U M

June 7, 1940

Remitter: Knee and Brumbaugh (32534)--Class A.

Title: "Rapid Profit Calculator"

Question: Division of opinion as to whether work should be rejected as a device. A

The work submitted consists of a blue cover on which is attached a disc with pointers, one with reference to a scale applied to the blue cover, the other with reference to an aperture through which different sets of figures appear as the card designed for the folder is moved. By proper manipulation of the card and the disc mathematical results are promptly obtained. As would be inferred, the card designed to be used with the cover contains a compilation of figures in scales.

In the opinion of Mr. Pierce the work submitted is registrable as a "book" under Class A. The compilation of figures represents intellectual authorship resulting in a writing which can be afforded protection by the Copyright Act. He submits that the mechanical features are not subject to copyright and no copyright is claimed on them. It is the compilation of figures in this form for which protection is sought and for which registration should be made. It should also be noted that information is given without manipulation. The manipulation only becomes necessary when additional facts are desired---just as it is necessary to turn the pages of a book when one has finished reading, so it is necessary to move the card through the folder.

Mr. Wise and Mr. Smith, on the other hand, take the position that this is a device of the type that the Office has been fairly consistent in rejecting as not subject matter of copyright. This is understood to be in accordance with the ruling of the Register of Copyrights.

Respectfully submitted,

J. Harney Wise
Chairman, Revisory Board

Reject--order of Mr. DeWolf 6/11/40.