

DEVICE

MINORITY MEMORANDUM

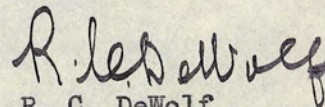
August 6, 1940

Remitter: Insurance Research & Review Service (Trust)--Class A.

Title: "The Measure-Master"

Questions: Device.

This is still another device, this time more complicated. It is arguable that in this case there is the intention to secure copyright on the mechanical features of the article. The notice at the bottom of the metal container reads--"Fully Copyrighted 1940 by Ralph P. Ross. U.S. Patent Applied For." This might be construed as indicating that copyright is claimed on everything connected with the article, or on the other hand, that the text and figures are the subject of copyright, while the mechanical features are to be the subject of a patent if it can be obtained. Mr. DeWolf would register a thing like this upon an application clearly specifying that no copyright is claimed on the mechanical features of the work, but it is again emphasized that it is desired to submit a variety of cases for the sake of getting a clearly formulated rule.



R. C. DeWolf

Acting Chairman, Revisory Board

Reject by order of Colonel Bouvé. See his memorandum of August 13.

MINORITY MEMORANDUM

August 6, 1940

Remitter: Landsheft and Warman, Inc. (No Fee)--Class A.

Title: Breeder Chart.

Question: Device.

The copies are sent as samples to ascertain what is the correct form to use in applying for them. The copies show a considerable amount of text matter with ornamental design and coloring with some pictorial matter. The "Breeder Chart" consists of matter on the face of the card read in conjunction with matter printed on the disk which revolves from the back of the card and shows in portions through apertures in the card. The Examiner rejected this as not subject matter of copyright, being a "device". Mrs. Brady and Mr. Smith agree with this rejection, which they state is in accordance with Office policy.

Mr. DeWolf, in part, with the purpose of obtaining a clear statement as to the rule in such cases, recommends entry.

The copyright law nowhere mentions "devices". It is assumed that the term as used in the Examiner's recommendation means a mechanical contrivance of some sort. The view of Mr. DeWolf is, where copy-rightable matter is present in sufficient quantity the additional presence of a simple mechanical element, such as a disk made to revolve upon the surface of a card, does not prevent the article from being subject matter of copyright. The mechanical feature is of very slight importance, and it would seem to make little difference whether the data was read by moving a disk or by turning the pages of a book. In both cases there is a kind of manipulation required, but this seems to be of minor importance.

R. C. DeWolf

R. C. DeWolf
Acting Chairman, Revisory Board

Reject by order of Colonel Bouvé. See his memorandum of August 13.

MP-522

DEVICE

MAJORITY MEMORANDUM

August 9, 1940

Remitter: Julius Lipow (No Fee)--Class A (?)--no application. MP-522
Title: "Speedy Calculator"

Remitter: Insurance Research & Review Service (Trust)--Class A. MP-522
Title: "The Measure-Master"

Remitter: Harrison & Smith Co. (48399)--Class A. - MP-522
Title: "Estimated F.H.A. Loan Payments"

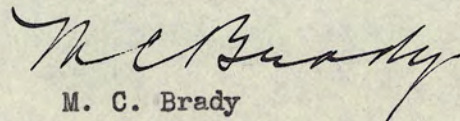
Remitter: Landsheft and Warman, Inc. (No Fee)--Class A. MP-522
Title: Breeder Chart

Question: Device

The deposits, grouped as devices and rejected as such by Mr. Smith and Mrs. Brady, contain variable information which is available only by the manipulation of dials, discs or tabs. There have been a number of such deposits, in Classes A and I, presented to the Revisory Board from time to time, and they have been the cause of considerable discussion and difference of opinion amongst the members of the Board, until the Board was instructed by Mr. Wise early in the present year, to reject all such material, i.e., all deposits containing variable information ascertained by the manipulation of a device. Mr. Smith and Mrs. Brady recall this order, but do not remember the case under consideration at that time. They do not remember either whether the order came from the Register of Copyrights or the Assistant Register.

However, in view of the number and variety of these deposits, and the differences of opinion expressed in the discussions which arise when they are presented to the Board, it would be helpful to have a recapitulation of the decisions, and a clarification of procedure to be followed in the future.

I am attaching to this memo the UB envelope containing the Heyer Products Co., Inc. correspondence. This is a typical device case, containing most of the difficulties and arguments found in such instances.


M. C. Brady

Reject by order of Colonel Bouvé. See his memorandum of August 13.