

PUBLICATION

M E M O R A N D U M

August 9, 1940

Remitter: Paul O. Pippel (49386)--Class K.

Title: "Comic Animals"

Question: Doubtful publication in this form.

Enter as now applied for in class A.--H.A.Howell.



MP-527

Book

MAJORITY MEMORANDUM

August 9, 1940

Remitter: Pippel, Paul O. (49386)--Class K.

Title: "Comic Animals"

Question: Doubtful publication in this form. Part of a device.

The copies consist of six rows of heads of animals, each one repeated several times at intervals. Under each head on the top three rows are a few words of text. The bottom three rows are duplicates of the top three rows except that the pictures are larger. There is a copyright notice at the end of each row. The applicant states that these pictures are used on an amusement apparatus, being made to revolve on a drum, each strip of pictures revolving apparently independently of the others. The question is whether the copies on cardboard filed in this Office are actually sold separate and apart from the apparatus; also whether in view of the fact that they are used only on the drum they can be considered as independently subject to copyright. Mr. DeWolf and Mr. Smith think that the correspondence and the application sufficiently indicate a distribution in copies of the kind submitted, and would enter as applied for. Mrs. Brady sustains the Examiner and would reject.

*R. C. DeWolf*

R. C. DeWolf  
Acting Chairman, Revisory Board

Enter as now applied for in Class A. By order of Mr. Howell.



MINORITY MEMORANDUM

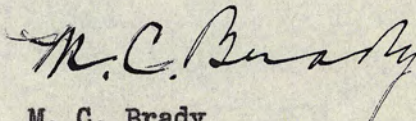
August 13, 1940

Remitter: Pippel, Paul O. (49386)--Class K.

Title: "Comic Animals"

Question: Doubtful publication in this form. Part of a device.

I dissent from the majority opinion as to the publication of this deposit, because as stated in that opinion, the deposit is "made to revolve on a drum, each strip of pictures revolving independently of each other." The deposit is a unit, with three identical strips of prints with short sentences printed below each picture, and three identical strips of the same prints without this text. It is manifestly impossible for these strips as deposited to revolve independently, as they are published as a unit. Furthermore, according to a statement made by Mr. Smith, these strips are an integral part of a gambling device, and would therefore not appear to be subject matter for copyright protection.

  
M. C. Brady

Enter as now applied for in Class A. By order of Mr. Howell.