

PUBLICATION

## MEMORANDUM

September 10, 1940

Remitter: R. I. Elliott (56741)--Class A.  
Copyright Owner: Frederick Heath

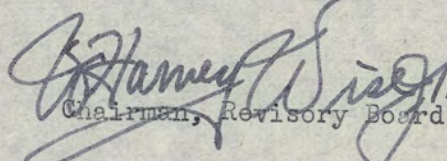
Title: "Description of Improved Transit for Surveying Latitude Lines"

Question: Division of opinion as to whether explanation of publication will be required from applicant.

The correspondent who is an attorney has submitted in behalf of his client, Frederick Heath, an application for registration of "Description of Improved Transit for Surveying Latitude Lines" as a "book." It should be noted from the title and application copyright is claimed primarily upon the description which is in the manner of text and drawing. The copies filed have been reproduced by some duplicating process. A sworn date of publication is given in the application and in view of these facts in the opinion of Mr. Wise and Mr. Pierce there seems to be inadequate grounds to conduct correspondence concerning publication; especially in view of the fact that the correspondent is an attorney who, from the nature of his application, has made some investigation and study of the subject.

Mrs. Brady, on the other hand, takes the position that the correspondent should be required to make an explanation as to the distribution of copies made, which, in his opinion, amounts to publication.

Respectfully submitted,

  
Chairman, Revisory Board

Register as applied for--H. A. Howell. "Seems to be in nature of an advertisement of his instrument."

MINORITY MEMORANDUM

September 10, 1940

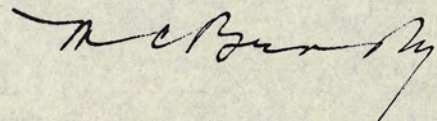
Remitter: Willard B. Golovin, Inc. (51917)--Class KK?

Title: "Aberle Exquisite Silk Stockings"

Question: Division of opinion as to whether folder advertising a single commodity, i.e., silk stockings, with a number of separate prints for merchants' use in the way of advertisements and displays is registrable as a "book" or as a "commercial print."

In opinion of the undersigned, this work is a catalog of advertisements, which will subsequently be published as display cards and advertising prints used in connection with retail sales of the product advertised. This catalog is distributed to the prospective retailers of the product, in order to secure their business. As a catalog it is registrable in Class A. As display cards and advertising prints, when so published separate registrations in Class KK should be made for the purpose of complete identification of the separate prints.

M. C. Brady



BOOK  
(See "Publication")

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