

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

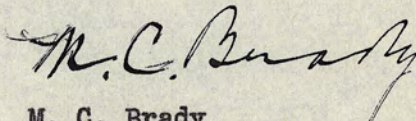
August 13, 1940

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.

MP-527

NOTICE

MAJORITY MEMORANDUM

August 13, 1940

Remitter: General Mills, Inc. (44629)—Class A.

Title: "New Progress in Bread Nutrition...through Research."

Question: Position of notice.

It is the belief of Mrs. Brady and Mr. Smith that the position of the copyright notice is acceptable for purposes of registration in view of decisions in similar cases in the past. Mr. Smith also feels that if the applicant uses the title "New Progress in Bread Nutrition" on his application, then the page on which the copyright notice appears might be considered the title-page. The Index Division in such instance could make a cross reference under the cover title.

L. C. Smith

L. C. Smith

M. C. Brady

Mrs. M. C. Brady

*Written re position of Notice by H. A. Howell 8/14/40
No reply received 10/10/40*

Mr. Howell suggested in his letter that applicant include title appearing on page preceding that bearing the notice in the application.

MP-527

NOTICE

MINORITY MEMORANDUM

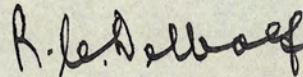
August 9, 1940

Remitter: General Mills, Inc. (44629)--Class A.

Title: "New Progress in Bread Nutrition ...through Research."

Question: Position of notice.

The title quoted, which is given in the application, is printed on the outside cover of the booklet, which contains twelve pages. The inside cover contains a number of illustrations. The first page of contents contains a letter, "To the Baking Industry." The next page also consists of illustrations. On page three the text matter of the contents begins, with an article headed, "Progress in Bread Science ...". At the foot of this page the copyright notice appears. Mrs. Brady and Mr. Smith would enter, but write a warning letter. In the opinion of Mr. DeWolf the notice is not in the position required by the statute, and the application should be rejected.



R. C. DeWolf
Acting Chairman, Revisory Board

H. A. Howell wrote re questionable position of notice on 8/14/40, and requested application including title on page preceding that bearing the notice. No reply received 10/10/40.

MP-527

NOTICE

MAJORITY MEMORANDUM

August 12⁹, 1940

Remitter: Universal Zonolite Insulation Co. (No Fee)—Class A.

Title: "Zonolite Cold Storage Insulation."

Question: Position of notice.

Mrs. Brady and Mr. Smith are of the opinion that the copyright notice is in a position upon the deposit that can be considered the page immediately following the title-page if "Zonolite" is considered the title. If, however, "Zonolite" is not considered the title, but rather that which appears on the cover "Zonolite, Cold Storage Insulation", registration should nevertheless be made so as to be consistent with similar cases approved for entry in the past.

L. C. Smith

L. C. Smith

M. C. Brady

Mrs. M. C. Brady

Letter requires reply (Note that Zonolite appears at top of each page). Enter but write warning letter.--H.A.Howell

MINORITY MEMORANDUM

August 9, 1940

Remitter: Universal Zonolite Insulation Co. (No Fee)--Class A.

Title: "Zonolite Cold Storage Insulation."

Question: Position of notice.

The copies are in the nature of a catalogue and advertisements of "Zonolite," a building construction material in the nature of mica, used for insulation. On the outside cover of the work, which contains 54 pages, are the words constituting the title, partly printed in ornamental letters on a picture of a polar bear amid icebergs. The back of the cover is blank. The first page of contents contains the preface; the back of this page is also blank. The third page contains the table of contents, on the back of which is the copyright notice. With the fifth page the text matter of the contents begins, with a section headed "What is Zonolite?" The word "Zonolite" also appears at the top of the page and of nearly all the succeeding pages of the book. Mrs. Brady and Mr. Smith believe that entry may be made, with a warning letter. Mr. DeWolf thinks the notice is not in the position required by the copyright law, and would reject.

R. C. DeWolf

R. C. DeWolf

Acting Chairman, Revisory Board

Letter requires reply (Note that Zonolite appears at top of each page). Enter but write warning letter--H.A.Howell.