MP-548

WORK of ART

M E M O R A N D U M

August 29, 1940

Remitter: McCanna, Wintercorn, and Morsebach (31521)--Class G or I?

Title: "Memorials Nos. 5015-5022," and others.

Problem: Whether registration should be made under class G as works of art or under class I as technical drawings for designs or drawings for memorials (tombstones).

The problem has been submitted to the Revisory Board by Mr. DeWolf, who points out that the value in making registration under class G is that under Section 1 (b) the law gives in the case of a design for a work of art the exclusive right to complete, execute and finish it, whereas the same right is not specifically given in the case of scientific or technical drawings, but gives only the right to print, reprint, publish, copy and vend. Therefore it is distinctly to the advantage of the applicant to register his designs or drawings for memorials as designs for works of art, if they can be so classified. There have been submitted with applications as designs for works of art blue print drawings and it has been pointed out that these in reality are technical drawings and registrable under class I.

In the opinion of the Revisory Board class G, work of art, may be employed for drawings or designs for memorials where the work really is a "work of art." As a matter of fact the technical drawing is probably the best identification that can be secured. It is clearly much better than a photograph especially in the hands of a technician to whom would be entrusted the execution of the memorial; also it would better identify the unpublished work of art for which the claim of copyright is registered in this Office. An application will be accepted whether filed as a design for a work of art under class G or as a technical drawing under class I, but in the opinion of the Revisory Board class G as a work of art is the preferable classification for drawings or designs for memorials; even though they include specifications the proviso of Section 5 cures an error in classification.

Respectfully submitted,

Chairman, Revisory Board

Approved--H. A. Howell, Assistant Register of Copyrights.

CLB:GC

~~Notation made MP-55~~

WORK of ART

Applications of Americana Designs

September 5, 1940.

I have examined this material, and the works which I have seen can, I think, be adequately described as coming within the term "work of art" as used in the statute. We have no reason to doubt that the work is original, and even if it does not meet the esthetic requisites attributed by many to the proper subject matter of the term, I am strongly inclined to believe it will come within the proviso of Section 5.

Thus far the purpose of this material strikes me as being purely ornamental--certainly not utilitarian in the sense of constituting a collection of "utensils". The fact that the material seems to be manufactured is only what is to be expected. Bronze copies of the "Laocoön" if molded by the hundred would surely be articles of manufacture but nonetheless works of art.

On the question of notice recognized principles of admission or rejection will, of course, continue to be followed. Illegible notices will call for rejection coupled with a letter setting out the reason why.

Register of Copyrights