

## MEMORANDUM

September 6, 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."

The work deposited is a folder on the subject of Aberle Exquisite Silk Stockings. It is clearly designed to be sent to merchants handling this merchandise. The folder shows a number of prints with a space at the bottom left blank for the merchant's name and the price. At the bottom of the folder is a statement that the Aberle Company will pay one-half of the net cost for advertising space.

Applicant has applied for registration of this work under Class A as a "book". In the opinion of Mrs. Brady this is the proper classification. Not one commercial print but a number of commercial prints are submitted which may or may not appear in a newspaper as advertisements depending upon the judgment of the merchants to whom they are sent. She feels that this is very similar to the case of Meyer Both Co., wherein a work containing a number of advertisements was submitted to merchants who as they saw fit would use any or all of them as their own separate publications. In her opinion this is a small catalogue containing a number of illustrations for the purpose of advertising and increasing the sales of Aberle Silk Stockings.

Mr. Wise and Mr. Pierce see the weight of the position taken by Mrs. Brady, but in view of the fact that it is only one commodity, i.e., Aberle Silk Stockings and one folder has been submitted with a number of cuts designed to advertise this one commodity it is their belief that registration should be made for this under class KK as a commercial print. It is clear that the line of distinction must be drawn some place,



but in their opinion the place to draw such a line is where there are several articles of merchandise. Then one does approach the catalog stage--a collection of commercial prints which the Office has customarily registered for copyright under class A as a "book" for years.

Respectfully submitted,

*W. Haney Wisig.*  
Chairman, Revisory Board

Register as a print used for an article of merchandise--  
order of Col. Bouvé