

MP. 586
690

MEMORANDUM

PRINT OR LABEL

Mins. Oct. 15, 1940 &
Feb. 19, 1941

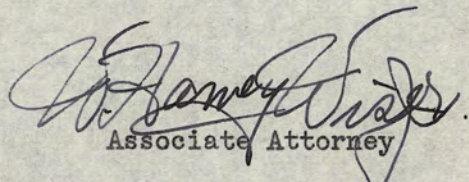
Remitter: Ralph Kalish (65521)--Class KK

Title: "The Camellia House, The Drake, Chicago" (Match Packet)
and others

Referring to packets of matches.

1. A packet of matches is an article of utility per se--a holder for matches--designed to advertise matches.
2. A packet of matches without any artistic embellishment is not copyrightable.
3. A packet of matches containing artistic material may be registered for copyright as a label for matches.
4. A packet of matches containing on its cover pictorial matter designed to advertise some commodity other than matches presents a work with a two-fold purpose: (1) the primary purpose is to advertise the commodity described on the packet of matches; (2) the secondary purpose is to serve as a label for matches. The applicant may apply for registration as a commercial print for the commodity referred to on the cover ^{or} as a label for matches.

Note--it should be observed that in all cases presented to date the packets of matches have borne the name of the match company.


Associate Attorney

NOTICE

MINORITY MEMORANDUM

October ¹⁵~~18~~, 1940

Remitter: Cord Publisher (62785)--Class A.

Title: "Unemployment Insurance in New York State"

Question: Is the notice of copyright on this work an adequate notice?

The deposit shows after the title four lines of description of the work, and two inches below this text, the statement "with an introduction by Dr. Harold H. Axworthy, Asst. Prof. of Sociology," etc. The above three items are printed on the right hand side of the title page, well spaced and quite striking in effect. On the left hand side of the page, two inches lower than the statement containing the name of Dr. Harold H. Axworthy, is found the legend

"Copyright

All right reserved."

An inch and a half lower than this informal notice, and on the right hand side of the page is found an imprint

"New York
Cord Publishers
1940."

The remitters in letter of Oct. 7, contend that the title page contains all of the elements of the copyright notice, i.e., the word "Copyright," the year date of publication (1940), and the name of the copyright owner (Cord Publishers). However, in my opinion the provisions of Sec. 18 of the statute have not been complied with. The

word "Copyright" is not accompanied by the name of the copyright owner, nor does it include the year in which copyright was secured by publication.

Moreover, there are two names on the title page, either one of which possibly might be that of the person seeking copyright. One, it is true, is the author of the Introduction only, but the other is the name of the publishers and appears as an imprint only. I do not see how a claim to copyright can be recorded for this work.

M. C. Brady.

Not adequate notice according to Register's ruling--order of Mr. Howell 10/18/40.