

MP-625

PRINT AND LABEL

MEMORANDUM

December 5, 1940

Remitters: 1. Nash Engineering Co. (65526)--Class KK?  
2. Allis-Chalmers Mfg. Co. (72164)--Class KK?

Titles: 1. "The New Nash Pump for Oil Gathering Service (Bul. No. 330)"  
2. "Allis-Chalmers Regulator Rule (Form 2840)"  
"Allis-Chalmers Two-State SS-Multi Pumps, Centrifugal Pumps (B6105)" and 6 others.

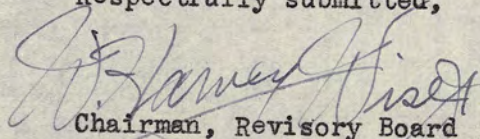
Question: Whether a single page designed for insertion in a loose-leaf catalogue which illustrates an article of merchandise is registrable under class KK as an advertising print or class A as a book.

All of the applications under consideration with the exception of the one for "Allis-Chalmers Regulate Rule (Form 2840)" which is for a device, (and the Revisory Board is unanimous that this application must be rejected), are accompanied by single sheet copies illustrating articles of merchandise. The sheets are perforated and in many instances there is pagination to direct their insertion in the proper place in the catalogue. It is agreed that if the catalogues were sent in registration would be made for them as books. On the other hand, the publication of single leaflets used in the advertising and sale of articles of merchandise are registrable under class KK. Does the fact that these sheets illustrating articles of merchandise with their accompanying explanatory text are to appear in catalogues justify registration under class A as a "book" rather than class KK as a "print or label"?

In the opinion of Mr. Wise and Mr. Smith registration should be made for such works under class KK. The applicant in his application (which is supported by his deposit) states that publication takes place as a single page (a leaflet) and following the established rule registration should be made under class KK.

Mrs. Brady is in accord with the foregoing reasoning, but feels that this is an important issue which should be called to the Register's of Copyright attention to definitely determine that the Revisory Board is following the proper practice.

Respectfully submitted,

  
Chairman, Revisory Board

"We have already discussed the principle involved with the Register"--

H.A. Howell.