

PRINT OR LABEL
(SEE "BOOK")

MEMORANDUM

December 26, 1940

Remitter: Mueller, Chester (81661)--Class KK?

Title: "Number Up"

Question: Division of opinion as to whether leaflet (with one illustration an artistic embellishment) advertising a restaurant is a commercial print.

Enter as A1--H.A.Howell. 1/3/41

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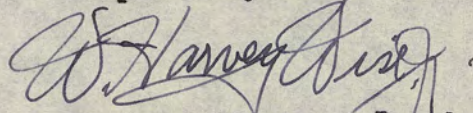
Title: "Number Up"

Question: Division of opinion as to whether leaflet (with one illustration an artistic embellishment) advertising a restaurant is a commercial print.

The copy filed consists of a single leaflet of the following dimensions: 6"x10 $\frac{1}{2}$ ". The majority of the copy is comprised of text matter. There is an illustration in the lower left hand corner of a waiter (which bears a separate copyright notice). There is an artistic border along the left edge of this copy, and the name of the proprietor is written in an artistic manner. The clear purpose of this is to increase the sale of sandwiches and other food stuff in the restaurant.

In the opinion of Mr. Wise and Mr. Smith registration should be made in Class KK as a commercial print--sustaining the action of the Examiner. Mrs. Brady on the other hand feels that registration should be made as applied for under Class A. She feels that Mr. Howell's decision in the case of the Dennison Manufacturing Company, No. 68845, in the case of the work entitled "Now You Can Put Your Finger On It" sustains her position.

Respectfully submitted,


Chairman, Revisory Board

Enter as Al--H.A.Howell. Note that the pictorial element is not covered by this copyright but bears a notice of its own dated 1927 and no doubt is used here by permission. 1/3/41.