

MP 659

PRINT OR LABEL

MEMORANDUM

January 17, 1941

Remitter: Ohio Brass Co. (1891)--Class KK?

Title: "Condensed Catalog Listing of O-B Valves--No. 695 Vr"

Question: Classification, A or KK?

The copies filed consists of a four-page folder designed to be inserted in a loose-leaf book or catalog. It deals with the subject of brass valves manufactured by the Ohio Brass Co. The application is filed on form A2 with a statement of new matter as "catalog listings". The original registration was made under class A. The question presented is whether registration should now be made under class KK as a commercial print, the leaflet being employed in the advertisement and sale of articles of manufacture--brass valves.

The Board is considerably influenced by the fact of previous registration under class A and the fact that this becomes a part of a "book". On the other hand, to recommend registration under class A as a "book" is to reverse a decision of the Assistant Register of Copyrights on December 5, 1940 in connection with the Nash Engineering Co., and the Allis-Chalmers Mfg Co. A copy of the memorandum is attached hereto. Here it was determined that sheets illustrating articles of merchandise with accompanying text designed to be placed in catalogs are registrable as class KK, commercial print, the ground of the decision being that separate publication occurred in leaflet form and it was subsequent to publication that the leaflet appeared in the catalog. An analogous situation is presented in this case.

Perhaps the Board is acting upon an erroneous premise in classifying the loose-leaf pages of a catalog under class KK; but until such time as the decision herein referred to is reversed the Board feels bound to recommend the classification KK for material of the character now submitted.

Respectfully submitted,

*W. A. H. Bishop*  
Chairman, Revisory Board

Request KK application.--H.A.Howell

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 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.

CLASSIFICATION  
(See "Print or Label")

M E M O R A N D U M

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Request: KK application--H.A.Howell.