

MP-684

BOOK

MEMORANDUM

February 13, 1941

Remitter: Bleick Von Bleicken (2526)--Class A.

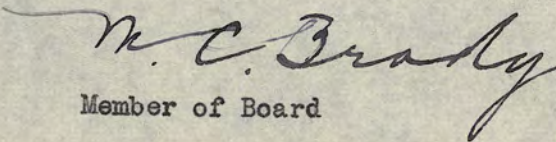
Title: "Double Your Pleasure"

Question: Is deposit a published book?

The deposit consists of photostatic reproductions of three typewritten sheets of text and two of drawings, (of coupons). The five sheets are wirestitched together and are entitled "Double Your Pleasure: Outline of Cooperative Sales Plan." Under the heading appears the following "Note: The adoption and use of this plan (outlined below)....a new and effective advertising 'slant'..." Then follows a plan to increase sales in a list of heterogeneous commodities: cigars, candy,, cigarettes, rayons, toothpaste, etc. There could be no actual publication of such material, only a presentation of it as an idea to possible users of such a plan. The examiner stated that the text might be registered in the form in which actually published, but there is no possibility of publication of such text. It is not similar to the Rules for a Game which will be published as a necessary part of the game itself when the game is placed on sale. It will never be made available to the public. The statement in the remitter's letter of January 21th that the work was published on January 8, 1941 by being placed on sale at 2 Rector Street and a sale was made infers that one copy was placed on sale and bought by some person directed to make the purchase. Further: The opinion of counsel in this letter that "the deposit of copies with copyright notice in the Library of Congress is held to be sufficient publication" should be controverted. The claimant should be apprised that the refutation of Judge Larned Hand of his earlier decision in the case of Stern v. Jerome H. Remick (C.C. 175, Fed. 282) that no publication was necessary other than deposit in the Library of Congress may be found in Joe Mittenenthal v. Irving Berlin, Inc. (291 Fed. Rep. 714). In the latter decision Judge Hand said "I must own that what I said there (Stern v. Jerome H. Remick) of publication seems to me now open to doubt.

"I think he has made a case for entry." No need to write--H.A.Howell.

Respectfully submitted,


Member of Board

PUBLICATION
(SEE "BOOK")

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