

MP-685-

DEVICE

MEMORANDUM

February 14, 1941

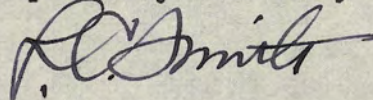
Remitter: Remington Rand, Inc. (W.R.37022)--Class A?

Title: "Graph-a-matic Inventory Analysis for Profit Control."

Question: Does the material fall under the category of device?

The deposit consists of a single sheet cut and perforated in such manner that in conjunction to the scale appearing upon it it can be used when typing to obtain certain specifications. In the applicant's letter the article is referred to as "The sheet in itself has a mechanical construction in the form of..." (following which there is a description of the article and its use). The Revisory Board is in doubt as to whether this work falls in the category of device because of the absence of any moving parts. However, in view of the nature of the article, its use, and the fact that the applicant refers to it as having mechanical construction in form, the Board was unanimous in rejecting it as a device. It was felt, however, that this might not truly fall under the definition of device as now construed by the present practice of the Office and hence the matter is referred to the Assistant Register of Copyrights for further possible consideration.

Respectfully submitted,



Acting Chairman, Revisory Board

"It seems <sup>k</sup>lie a device to me, requiring physical application to the typewriter to get the desired information. Better show to the Register."--H.A.Howell.

Mr. DeWolf wrote on April 4, 1941 pointing out possible patent protection when the work of which this is a part was patented, and suggesting deposit of the advertising circular demonstrating the use of this work. Apparently accepted by applicant. No further correspondence found May 12, 1941.



MEMORANDUM

Referring to "A Lecture" \* \* \* "The Golden Rule in Action" by Dr. Walter M. Kraus.

The copy of the above named work was filed with an application for registration in Class C by Dr. Kraus on February 6. The Examiner, Mrs. Wiedman, rejected the application, stating that the material did not appear to be in form for oral delivery but might be registered as a book after publication. A letter was written accordingly by Mr. MacCarteney in which attention was called to the fact that the copy contained a title-page, a table of contents, acknowledgments to many persons, and several appendices, including the text of an act of Congress, and upon these indications was deemed not to be adapted to oral delivery as a lecture. It was suggested that if the material was later developed into an actual lecture, it could be registered as such.

Upon receipt of this letter Dr. Kraus communicated with Mr. DeWolf by telephone and protested against the action taken which he stated was based on insufficient information. Thereupon the matter was submitted to the Revisory Board, a special meeting being called for the purpose, and the Board unanimously supported the Examiner. Mr. Wise noted upon the envelope the fact that this type of material is regularly rejected as not constituting "an address prepared for oral delivery," although susceptible of being read in public.

The decision of the Revisory Board was communicated to Dr. Kraus by Mr. DeWolf. He repeated his objections and explained that he had been in the habit of lecturing for many years and customarily prepared material in a manner similar to that shown in this case. The references to appendices such as "See Appendix A" as well as the indication of frequent breaks in the continuity of the work were intended, he said, for the guidance of the lecturer to indicate times <sup>at</sup> which he would call attention to material distributed to his audience and keep track of the length of time which had elapsed. He pointed out that lectures are substantially never given in the exact form shown by a manuscript, and that he would undoubtedly expand upon his text and depart from it in some cases, but that the copy did not constitute merely notes for a lecture but the actual lecture itself which he stated had already been orally delivered twice in the form shown and would again be delivered before a public audience in the near future.



Mr. DeWolf conferred with the Register of Copyrights, stating what he had been told by Dr. Kraus. Colonel Bouvé was of the opinion that it was a borderline case and thus in the class of cases where the benefit of the doubt should be given to the applicant in accordance with the customary rule of procedure of the Office, and Mr. DeWolf thereupon informed Dr. Kraus by telephone that registration would be made.

It seems pertinent to note that this is a case in which the internal evidence of the copy itself, although strongly indicating that the work was not a lecture, was contradicted by the applicant's own statements that the thing was a lecture and had been so delivered. In such cases, of course, there is nothing to do but register.

R. C. Dew