

MP- 690
586

MEMORANDUM

PRINT OR LABEL

Mins. Oct.15,1940 &
Feb.19,1941

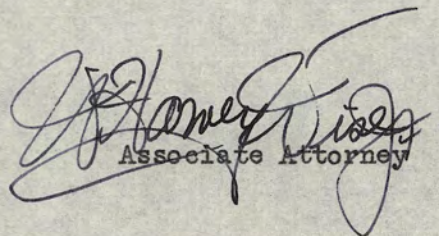
Remitter: Ralph Kalish (65521)--Class KK

Title: "The Camellia House, the Drake, Chicago" (Match packet)
and others

Referring to packets of matches.

1. A packet of matches is an article of utility per se--a holder for matches--designed to advertise matches.
2. A packet of matches without any artistic embellishment is not copyrightable.
3. A packet of matches containing artistic material may be registered for copyright as a label for matches.
4. A packet of matches containing on its cover pictorial matter designed to advertise some commodity other than matches presents a work with a two-fold purpose: (1) the primary purpose is to advertise the commodity described on the packet of matches; (2) the secondary purpose is to serve as a label for matches. The applicant may apply for registration as a commercial print for the commodity referred to on the cover^{or} as a label for matches.

Note--it should be observed that in all cases presented to date the packets of matches have borne the name of the match company.


Associate Attorney