

BOOK
(SEE "GAME")

MEMORANDUM

March 3, 1941

Remitter: Victor J. Evans and Co. (15453)--Class A.

Title: "Instructions for Playing Games"

Question: Do instructions printed with copyright notice on a
scoring sheet present registrable material.

Register as applied for.--H.A.Howell. 3/6/41.

MP-699

GAME

MEMORANDUM

March 3, 1941

Remitter: Victor J. Evans and Co. (15453)--Class A.

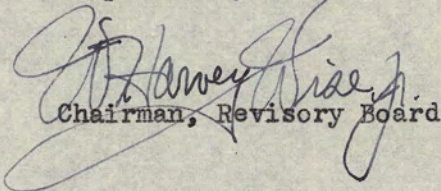
Title: "Instructions for Playing Games"

Question: Do instructions printed with copyright notice on a scoring sheet present registrable material.

The work deposited consists of a sheet upon which the game is scored and on which the instructions are printed. A notice of copyright appears immediately under the title "Instructions" and the notice also appears directly under the text matter.

In the opinion of Mr. Wise and Mrs. Brady the application may be passed for registration. It is to be noted that application for registration applies only to the instructions. This is the title and a notice is placed under the text matter which clearly justifies the acceptance of the application. Mr. Smith takes the position that the application should be rejected and submits herewith a memorandum in support of his position.

Respectfully submitted,


Chairman, Revisory Board

Register as applied for.--H. A. Howell. 3/6/41.

MEMORANDUM

March 3, 1941

Remitter: Victor J. Evans & Co.

Title: "Instructions for Playing Gameo"

Question: Does the deposit represent copyrightable matter?

Mr. Wise and Mrs. Brady are of the opinion that registration should be made of the rules for playing "Gameo" which appear on the sheet upon which the game is played. They reach this conclusion because the copyright notice is placed directly beneath the text matter. It is also to be noted, however, that there is another copyright notice to be found under the title "Gameo" which appears above the playing chart, and instructions and it would seem to include both. Because of this, Mr. Smith holds that the work should be rejected just as game boards have been in recent years.

By placing the copyright notice immediately beneath the title "Gameo", which appears in large letters at the top of the chart, the applicant attempts to represent to the public that he claims a copyright not only to the text matter describing the manner of playing the game but also to the "game board", that is the various columns used in playing the game. No doubt the applicant is of the belief that his copyright extends to the game itself, and the public likewise would reach the same conclusion. Mr. Smith contends, therefore, that application for the registration of this copyright claim should be rejected in view of the fact that the deposit does not represent proper copyrightable subject matter. (In this regard please note pages 12-14, 31-34, 242-244 "The Law Of Copyright" by E. J. MacGillivray) Register as applied for.--H. A. Howell. 3/6/41.

Respectfully,

H. A. Smith
Member of Revisory Board