

MINORITY MEMORANDUM

March 17, 1941

Remitter: Miller Beaumont (14745)--Class A?

Title: "Shuffle Baseball"

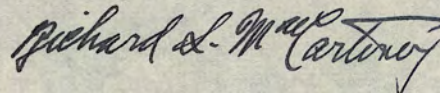
Question: Whether a deck of pictorial cards published with notice of copyright is registrable.

The deposit consists of a deck of pictorial cards showing baseball players in various aspects of the game, the first card in each deck bearing a full notice of copyright in the name of Miller Beaumont. Accompanying the cards is a printed folder of instructions also bearing the notice of copyright. Mr. Smith and Mrs. Brady would admit the instructions to registration, but would deny the cards upon the ground that the deck constitutes an integral part of a game, the same as a gameboard and hence is not copyrightable.

To dismiss as not registrable a deck of cards containing original prints merely because they constitute an integral part of a game seems to me to be going a long way. It is true that the Register of Copyrights has prohibited the filing of gameboards in connection with printed instructions for games, but a deck of cards is not a gameboard, nor does it seem to me to be similar to one. It is a separate entity not published as part of any mechanical contrivance or other article of utility. It is made up of nothing but the "writings" of the author in the form of original pictures and I fail to see how the handling of the pictures as part of the game deprives them of their essential character of being prints.

The Office has sometimes required individual registration for each card of a pictorial deck published with notice of copyright, but the general principle of denying registration to such material upon the ground that it is an integral part of the game is, in so far as I know, enunciated here for the first time. I am for acceptance of the deck of cards along with the instructions and without limiting the claim in the application to the instructions.

Respectfully,



Member of the Board

Enter As applied for on application received March 8, 1941. - H. A. Howell
3/19/41