

MP-724

MEMORANDUM

Blotter Book
with Text.

April 1, 1941

Remitter: Goldsmith Brothers (22460)--Class A.

Title: "Executive Blotter Book"

Question: Is a blotter book with a single page of instruction in the same category as a book of blank forms with a single page of instruction?

The work submitted is a book of the following dimensions: 14 1/2" x 10 3/4". On the back of the title-page is a full page of text giving instruction as to the use of the book. At the end of this appears the copyright notice. The book itself consists of a number of blotters, each with three holes to facilitate the turning of the page. Between the pages it is the purpose to place letters for the busy executive's signature.

Mr. Wise and Mr. MacCarteney take the position that this work is in the same category as a book of blank forms or a book of bookkeeping forms. In such cases where there is a page of instructions or directions at the beginning of the book the procedure is to make registration for such text matter (without any limitation of claim). The only difference between the two cases is that in the one under consideration sheets of blotting paper are substituted for the sheets of ruled forms.

Mr. Smith takes the position that this work is in the nature of a device and should be rejected, and attaches hereto a memorandum in support of his position.

Respectfully submitted,

W. Harvey Wise Jr.
Chairman, Revisory Board

Reject blotter book as a whole as an article of utility. Text matter appearing on inside front cover may be registered as a "book" if copies of this separate from the work as a whole are deposited with application and fee-- order of Col. Bouvé

OFFICE OF THE
REGISTER OF COPYRIGHTS

WHW:VRW
4-4-41

THE LIBRARY OF CONGRESS
COPYRIGHT OFFICE
WASHINGTON

MP-

DRAFT

ML CB

Goldsmith Brothers
77 Nassau St.
New York, New York

Gentlemen:

The Copyright Office acknowledges receipt of your letter of March 21, transmitting application, fee, and copies for registration of a ~~work~~ ^{"book"} entitled "Executive Blotter Book."

An examination of the ~~work~~ ^{material} filed shows it to consist of an article of utility, designed to hold and blot letters. On the back of the front cover is pasted a single sheet of text matter in the way of instructions and to this text matter has been affixed a copyright notice.

It is not clear upon what basis the Office would be authorized to register a claim of copyright in this holder for letters and certify that it is a "book" in the meaning of the Copyright Act. ~~The fact that the application was expected to cover the work in its entirety is indicated by the inclusion of the name and address of the binder in the affidavit. An article of utility of the type submitted seems clearly without the scope of the Copyright Act. In the event copyright registration is sought for the page of text matter which bears the copyright notice, an application for such text matter, indicating in brackets that it consists of instructions, may be filed accompanied by two copies of the single sheets.~~

Material

Your fee will be held for the present under No. 22460.

Enclosure:
Form A1

Respectfully,
C. L. BOUVÉ
Register of Copyrights

By

MEMORANDUM

DEVICE

April 1, 1941

(Inquiry made under blotter book)

Remitter: Goldsmith Brothers (22460)--Class A.

Title: "Executive Blotter Book"

Question: Is the deposit subject matter of copyright?

Mr. Wise and Mr. MacCarteney maintain that the deposit should be considered in the same category as a book of blank forms and that therefore registration should be made of the copyright claim to the work, such copyright extending, of course, only to the text matter contained on the inside of the front cover.

Mr. Smith is of the opinion that the deposit is an article of utility and should be considered in the same manner as a device. It is true that the article has the same format as a book. The primary purpose of that format, however, is not to act as a binding for the text matter but rather as a covering for the device which facilitates the signing of correspondence, checks, and other instruments. The text matter contained on the inside front cover forms such an integral part of the device that as in the case of other devices of various kinds rejected by this Office in the past months a copyright claim to the text matter cannot be registered. For this Office to register such claim would not only be an error but also would assist the copyright claimant innocently or otherwise, in convincing the public that he had a copyright in the complete work itself.

Respectfully submitted,

L.C. Smith

Member, Revisory Board

Reject blotter book as a whole as an article of utility. If applicant will deposit sheet of text matter separate from work as a whole an examination looking to registration will be made--order of Col. Bouvé.