

MP-768

COPYRIGHTABLE

MINORITY MEMORANDUM

May 29, 1941

Remitter: National Premium Pay Envelope Corporation (38312)--Class A?

Title: "Family Finance Offers You the Finest Loan Service"
"Rodeo - The Gardens, Pittsburgh, Pennsylvania"
"Now You Can Obtain A Low Cost Bank Loan"
"Where Does The Money Go?"

Question: Whether text matter and illustrations printed upon an envelope (which is an article of merchandise) are subject to copyright registration.

Mr. Wise and Mrs. Brady concur with the examiner in holding that a pay envelope is an article of use and applicant should be advised that the "design for envelope and protection for envelope" is not obtainable under the Copyright Act. Mr. MacCarteney, on the other hand, holds that the applicant is not applying for registration of an envelope as such, but is interested solely in the printed text and illustrations appearing on these envelopes. The word, "envelope," does not appear in connection with the title on any of the applications; the titles definitely refer only to the titles of the texts and illustrations on the envelopes, as follows: "Family Finance Offers You the Finest Loan Service," "Rodeo - The Gardens, Pittsburgh, Pa.," "Now You Can Obtain A Low Cost Bank Loan" and "Where Does the Money Go?". Were applicant seeking to obtain protection for the envelope as an envelope, he would have filed only a single application, since the envelopes as such are identical. That he did not do this shows that his intention was not to seek protection for the envelope but for the text and illustrations appearing thereon.

Mr. MacCarteney feels that if copyrightable text and pictures are to be denied registration simply because the vehicle of their presentation to the public is an ordinary envelope, then registration likewise should be denied pictorial letterheads impressed on stationery, for a sheet of letter paper is as much an article of merchandise as the envelope which contains it. Letterheads, however, are currently being registered and the propriety of such registrations has never been and is not now questioned.

In accordance with the above, it is the opinion of Mr. MacCarteney that the registrations for the texts and illustrations on the envelopes should be made as applied for.

Respectfully,

Richard L. MacCarteney

Member of the Board

Register--after further consideration by Board all agree to make registration.

BOOK
(SEE "COPYRIGHTABLE")

M E M O R A N D U M

May 29, 1941

Remitter: National Premium Pay Envelope Corporation (38312)--Class A.

Title: "Family Finance Offers You the Finest Loan Service"
and 3 others.

Question: Whether test matter and illustrations printed upon
an envelope (article of merchandise) are subject to
copyright registration.

Register--after further consideration by Board all agree to
make registration.

BOOK
(SEE "TITLE")

M E M O R A N D U M

May 29, 1941

Remitter: Anna Mary Kleiner (36996)

Title: "Centuries Apart (Synopsis)."

Question: Sufficient title?

Register using title "Centuries Apart"--H.A.Howell. "The
Record Division may wish to add subtitle."