

MP-784

REPRODUCTION
of a WORK of
ART

MEMORANDUM

June 21, 1941

Remitter: Johnson, Kline and Smyth (42599)--Class G.
Copyright Owner: Jennings Brothers Mfg. Co.

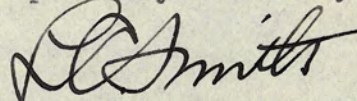
Titles: "Great Dane Dog" and "Reproduction of Daniel Chester
French's Statue of Lincoln in the Lincoln Memorial"

Question: Does the statue of Lincoln represent an article
of utility?

Mrs. Brady and Mr. MacCarteney believe the statue of
Lincoln to be a reproduction of a work of art, and they are
both of the opinion that the question of whether the work
could also be used as an article of utility serving as a book-
end should not be considered by the Board.

Mr. Smith, while admitting that the reproduction of
the Lincoln statue in the Lincoln Memorial Building, Washington,
is a "reproduction of a work of art", nevertheless is of the
opinion that when that work of art serves as an article of
utility, and it is evident that the work can be so used, then
protection should be sought by means of a design patent and
not by statutory copyright. In view of the present doubt
that is existing as to whether this work is solely intended
to be used as a work of art inquiry should be made to determine
whether these are being placed on the market for purpose of
sale as bookends.

Respectfully submitted,



Acting Chairman of Revisory Board

Register "Reproduction of Daniel Chester French's Statue of
Lincoln" as "H" reproduction of a work of art, without inquiring
as to use ^{to which the} work may be put.--H.A.Howell. Rejection of "Great Dane Dog"
affirmed.

WORK OF ART
(See "Reproduction of a Work of Art")

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