

MP-803

PRINT OR LABEL

MINORITY MEMORANDUM

July 15, 1941

Remitter: Ultra Chemical Works, Inc. (43078)

Title: None

Question: Whether the labels deposited may be accepted as published.

The undersigned disagrees with the other two members of the Revisory Board in their opinion that the labels in question may be accepted as deposits.

The labels in question are designed for ultimate use on cans of No Rubbing Floor Wax as put on sale by various companies. There are three designs of these labels submitted to the Copyright Office by the Ultra Chemical Works, Inc., on June 16, with a letter stating: "The Labels were published in the last two years, with a notice of copyright thereon. They are used for Wax Polishes." This Office in correspondence dated June 20, called to the attention of the remitter that the copies deposited are proof copies; that there is a space left for the name of the company to be placed on each of the labels; that the presumption is the labels as actually published necessarily bear the name of the company selling the floor wax. In other words, the deposits received for copyright are not the published labels, but samples used in soliciting orders. In replying to this letter, remitter says:

"One point is not quite clear to us, for which reason we are writing you this letter. You mentioned that the copies to be registered should have the names which will go on those blank spaces which we have mentioned 'your name.' It has been our belief that we could copy these labels, respectively the designs and use them for a number of our customers and each time imprint the respective name of the customer."

It is the opinion of the undersigned that this letter should be answered and the remitter directed as follows: To deposit copies of the label bearing the name of the first company which has used them on the cans of floor wax as sold to the general public. These copies must be accompanied by application forms KK giving the date of publication as the date when such company placed the cans of floor wax on sale with the name of the specific company in the spaces provided in the proof copies of the labels as deposited. The use of the same label by different companies would not destroy the copyright thus secured by

the Ultra Chemical Works, Inc., as the labels bear copyright notice in the name of that company. It will be well to call their attention again to the exact form of notice required by the copyright law.

*M. C. Brady*

M. C. BRADY

Copies represent edition distributed to trade for solicitation of orders. Not proof copies. Register. Order of Col. Bouvé.

W. H. W. Jr. 7-21-41