

MP-807

BLANK FORM

MINORITY MEMORANDUM

July 19, 1941

Remitter: Hardware Printing Co. (No Fee)

Title: Handy Household Expense Record

Question: Registration of book of blank forms because of small amount of text matter entitled "Instructions."

The deposit under discussion is a book of blank forms, a budget book which is designed to contain the expense accounts of an ordinary household for a year. In other words, there are twelve identical blank forms, one for each month, and two supplemental blank forms provided for annual totals. On the preliminary page, which properly contains a notice of copyright, there is found a paragraph of instructions indispensable to the use of the blank forms, but not in the opinion of the undersigned "a book" in the meaning and intent of the law. This text is of value only as a part of the publication of blank forms. The copyrightability of blank forms has been the subject matter of court decisions in a number of cases, and the courts have invariably held that blank forms are not subject matter of copyright. This Office in the past occasionally accepted such publications for registration. This practice has been abandoned since the establishment of an examining board. All of the cases that have come before the Revisory Board where the deposits were possibly of doubtful nature they have been rejected. In one case only which came up in November, 1939, the deposit was passed for entry because it contained a very substantial percentage of actual text matter aside from instructions, and was the revision of a previously copyrighted work. In the instant case, the undersigned is of the opinion that the amount of text matter and its nature precludes its acceptance as "a book".

*M. C. Brady*

M. C. BRADY

A book of blank forms. Write in first instance rejecting the work. Ordered after consultation with Col. Bouvé. W.H.W. 7-25-41

MP-807

SLIDE FILM

MINORITY MEMORANDUM

July 19, 1941

Remitter: National Cash Register Co. (No fee) *Class J.*

Titles: "The Weaknesses of Unprotected Written Records" & 2 others.

Question: Whether corrective entries should be made.

The undersigned disagrees with Mr. Smith and Mr. MacCarteney that a corrective entry should be made for the deposits which are the subject of this memorandum. She is of the opinion that before these corrective entries are placed upon the record as requested in the letter herewith from the remitter, the National Cash Register Co., that this company should be made fully cognizant of the facts in the case, as follows:

The applications filed with the films by the Jam Handy Picture Service followed the procedure instituted in this Office in 1938 by the Register of Copyrights, the Assistant Register and Mr. DeWolf. This procedure was to differentiate such films as the ones under discussion, describing them as either "a talking slide film" or "a reading slide film". At that time, 1938, a thorough survey was made of these two types of films as sent in by several companies, and it was found that those on which text was printed were duplicated by identical deposits as to the picture elements but with the text omitted. Such deposits as were made without the text were accompanied by the same text as found in the other films, in lecture form, accompanied by applications for registration of the text as "lectures". It was explained by the remitters at that time that these lectures were put upon phonograph records which were used when the films were displayed, in such films that had no text incorporated in themselves. The determination at that time was that the type of film on which the text appeared would be designated as "reading slide film," and those which were accompanied by the phonograph records would be described as "talking slide films," and this manner of differentiation has been followed by all depositors of such works since that date, 1938. Therefore, it is the opinion of this member of the Revisory Board that such explanation should be made to the company whose request for corrective entries is under discussion.

*M. C. Brady*

M. C. BRADY

First write and explain purpose of statement "(a talking slide film)" before proceeding with corrective entries. Ordered after consultation with Col. Bouvé. W.H.H. 7-25-41