

DEVICE

MEMORANDUM

September 12, 1941

Referring to the works entitled "The Garden Wheel" and "Music Lover's Handy-Dial Guide to the Great Composers" deposited in this Office by Doubleday, Doran & Co., Inc.

The Revisory Board has opened for reconsideration on this date the cases involving the above-mentioned works.

It is the opinion of the undersigned that the first-mentioned work contains copyrightable subject matter even though there is present the mechanical feature in the form of a revolving dial. The dial which facilitates the use of the work is not essential for an understanding of the copyrightable text matter found upon the work. Rejection must be sustained, however, because the deposit bears a defective copyright notice.

In the case of the second-mentioned work, it is the belief of the undersigned that it falls under the category of a device, in that to the ordinary person not fortified with a special knowledge of the great composers the information appearing upon the work could not be understood without the use of the dial. The dial is an essential feature of the deposit, and therefore the undersigned approve the action taken by the Revisory Board on March 20, 1941 in rejecting the work as a device.

L. C. Smith

W. M. Courtney

Walter L. Byrd

In reference to the above it is to be noted that the remaining member of the Board, Mrs. Brady, does not join in approving this memorandum, in that she contends both works fall in the category of a device, and that therefore "The Garden Wheel" must likewise be rejected as a device.

M. C. Brady