

COPYRIGHTABLE

## MINORITY MEMORANDUM

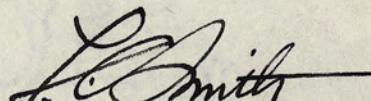
September 13, 1941

Remitter: Texas Legislative Service (59642)

Title: "Texas Legislative Service"

Question: Does deposit contain copyrightable material?

The deposit consists of a heavy piece of cardboard so cut as to make an appropriate divider in a letter file. As such, it represents an article of utility. Printed upon it is a compilation of the various steps undertaken from the time a bill is introduced in a legislative chamber until it becomes law. This information is not essential to the use of the article of utility upon which it is printed. After each step, space is provided for pertinent information, such as the name of a committee and the date on which it was handled. Without this information the compilation is nevertheless of value, and to a student of political science it could be used to great profit in a better understanding of the workings of a legislative chamber. Mr. Smith is of the opinion that this compilation constitutes the "writings of an author" to which a copyright claim can be made, and that that claim is registrable even though the copies which are deposited are in the form described. Mrs. Brady and Mr. Pforzheimer contend that the work is a blank form and should be rejected as such. Mr. Smith in this regard does not agree, even though he has carefully considered the cases of Baker v. Selden, 101 U. S. 99 and The Amberg File & Index Co. v. Shea Smith & Co., 82 Fed. 314. To support his position, Mr. Smith points out that the deposit bears two copyright notices for which registrations were made of the copyright claims referring thereto in the years 1924 and 1927. The deposits made in connection with these registrations have been unfortunately returned to the copyright claimant upon the completion of the registration.



L. C. SMITH

Register as a "book"--W.H.Wise after consultation with Col. Bouvé