

PATTERN (WITH DIRECTIONS)

MINORITY MEMORANDUM

October 10, 1941

Remitter: Voorhees Music Printers (NO Fee)

Title: Door-Stop Doll Pattern

Question: Is work acceptable as copyright deposit?

The work consists of a single sheet printed on one side. Appearing on the printed side of the sheet is the drawing of a pattern for a door-stop doll, in addition to the directions for making the doll, and a pictorial illustration of the finished doll. The copyright notice is so placed that to the public it represents a claim to the drawing, to the text matter, and to the pictorial illustration of the finished doll. The Examiner rejects the material on the basis that the copyright notice does not specifically refer to the copyrightable text matter, and further that there is no copyright for a pattern. Mr. MacCarteney and Mr. Pforzheimer sustain the Examiner in her action. Mr. Smith, however, contends that what is deposited is the drawing of a pattern, in addition to copyrightable text and pictorial matter appearing in connection with the drawing. He does admit that protection for the pattern itself, as such, can only be obtained by means of design patent, but he does recognize upon the printed sheet copyrightable subject matter. It is his suggestion, therefore, that the applicant be advised that patterns as such are not copyrightable, and that the registration will be made to the copyright claim to the work which he has deposited if he files an A-1 application and gives as the title, "Directions for Making a Door-Stop Doll," which title actually appears upon the copy. The Office is thus justified in making the registration in that it refers particularly to the text matter registered as a "book." The question as to how extensive will be the protection to the other component parts of the work under Section 3 of the law is a matter that can be subsequently determined by the courts if a controversy arises.



L. C. SMITH

Register upon receipt of application limiting title to directions.

W. H. Wise

10/16/41