

MP-395

Book

MEMORANDUM

January 2, 1940

Remitter: M. F. Morgan (75998)--Class E?

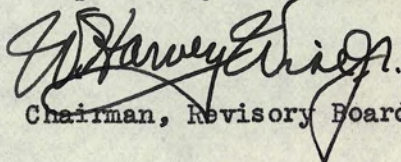
Title: "The M. F. Morgan System of Hawaiian Steel Guitar
Musical Education."

Question: Classification.

An application has been filed for this work on form A2 with a statement of the new material upon which the copyright is claimed as "Diagram and Notes with 36 pieces of music." It is noted that the first registration was made under Class A and the applicant has stuck to this classification, filing an application on form A2 for the revised edition. The affidavit inadvertently gives the date of completion as January 25, 1932, which obviously refers to the completion of the first edition. A new affidavit is clearly required giving the date of completion of this revised edition if the A classification is to be adhered to.

It is the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce that registration should be made under Class A, and that a new application on form A2 should be requested with a new affidavit. Mrs. Brady, on the other hand, takes the position that registration should be made under Class E, and in support of her position refers to a memorandum issued by the Register of Copyrights on July 24, 1939.

Respectfully submitted,


Chairman, Revisory Board

Ask new A2 application giving correct affidavit--order of
Mr. Howell.

Book

MEMORANDUM

January 2, 1940

Remitter: Methuen & Co., Ltd. (77270)--Class A.

Title: "Vipers Progress"

Question: Division of opinion as to adequacy of deposit for ad interim registration.

Application is filed for ad interim copyright, the date of publication being given as October 25, 1939, with the receipt of copy on December 19, 1939. It should be noted that the correspondent is located in London, England. An examination of the copy shows it to be incomplete, lacking pages 1 to 16. In this space pages 65 to 80 have been inadvertently bound. It is obviously too late to deposit a correct copy within the sixty day period following publication abroad. The question is whether registration can be made upon this copy after receipt of a correct copy for the files of the Library.

It is the opinion of Mr. Wise and Mr. Smith that registration may be made as applied for upon the receipt of a correct copy. The applicant, however, should be advised that some doubt exists as to his compliance with the United States Copyright Law by only depositing within the sixty day period following publication abroad a defective copy. Mr. Pierce, on the other hand, takes the position that the deposit is incomplete and that registration can only be made upon a perfect copy. He, therefore, feels that the application should be rejected. Mrs. Brady did not participate in the voting.

Respectfully submitted,

W. Howard Seely
Chairman, Revisory Board

Enter--order of Mr. Howell. "Hold certificate and copy until new copy is received."

MP-395

BOOK
(See "Device")

January 2, 1940

Remitter: Standard Nail Co. (76316)--Class I??

Title: Nail-O-Meter

Question: Division of opinion as to subject matter of
copyright.

Work consists of usual 6 inch ruler with additional text
and other forms of measuring.

Ask AI application--order of Mr. Howell

See main memorandum under "Device"



MP-395

CLASSIFICATION

January 2, 1940

Remitter: M. F. Morgan (75998)--Class E.

Title: "The M. F. Morgan System of Hawaiian Steel Guitar
Musical Education"

Question: Classification

Ask new A" application giving correct affidavit--order of
Mr. Howell

(previous edition registered A1--examiner in present
instance felt form E1 appropriate)

See main memorandum under "Book"

MP-395
Device
Measuring
~~DRAWING~~

MEMORANDUM

January 2, 1940

Remitter: Standard Nail Co. (76316)--Class I?

Title: Nail-O-Meter

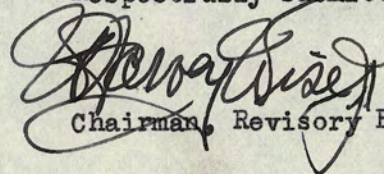
Question: Division of opinion as to subject matter of copyright.

The copies filed are somewhat in the nature of a six inch rule, having the six inches designated thereon. In addition thereto there is a gauge showing the size of certain nails extending from the ^{two} second through the sixty penny type. On the back of the copy is a scale showing the approximate number of nails to the pound according to the type of the nail.

In the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce the work submitted is something more than a ruler. It contains a compilation of figures with other data as well as certain drawings to indicate the size of the nail hole for the various variety of nails. In their opinion registration can be made under Class A as a "book." Mrs. Brady, on the other hand, takes the position that the work submitted being in the nature of a ruler or similar measuring device must be rejected.

It is pointed out that the word "Copyright" and the year date 1939 is one and three-fourths inches from the name of the copyright owner, The Standard Nail Co. It is believed that the notice of copyright is adequate in this case.

Respectfully submitted,


Chairman, Revisory Board

Ask application on Al--order of Mr. Howell.

DRAWING?
(See Measuring Device)

MEMORANDUM

January 2, 1940

Remitter: Standard Nail Co. (76316)--Class I?

Title: Nail-O-Meter

Question: Division of opinion as to subject matter of copyright.

Ask application on A1--order of Mr. Howell.

MP-395

Music

MEMORANDUM

January 2, 1940

Remitter: Sing Song Music Co. (77454)--Class E.

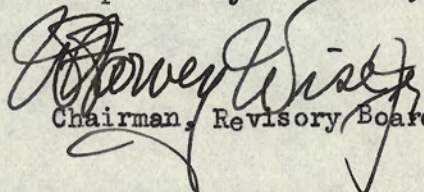
Title: "We'll Hafta Get After Furor Hitler"

Question: Is an application received in advance of the date of publication acceptable?

The application and copies were received in the Copyright Office on December 20. The application gives the date of publication as January 2, 1940. The pressure of business prevented the Office from conducting correspondence prior to January 2, 1940. The question now arises as to whether registration can be made (following the practice which has been in vogue for some months) or whether it is necessary to require applicant to file a new application.

It is the opinion of Mr. Wise that registration should be made as applied for, following the established practice which has the sanction of Col. Bouvé. The other three members take the position that the applicant has not filed an application subsequent to publication and in accordance with the express terms of Section 12 of the Copyright Act. In view of the previous practice they agree to the recommendation for entry upon the consideration that the case be submitted to the Assistant Register for confirmation.

Respectfully submitted,


Chairman, Revisory Board

Enter--order of Mr. Howell. "No affidavit involved."

PUBLICATION
--Application received in
advance of--

(See "Music")

MEMORANDUM

January 2, 1940

Remitter: Sing Song Music Co. (77454)--Class E.

Title: "We'll Hafta Get After Furor Hitler"

Question: Is an application received in advance of the date
of publication acceptable?

Enter--order of Mr. Howell. "No affidavit involved."