

BOOK  
(See Publication)

## M E M O R A N D U M

January 5, 1940

Remitter: Lyndall M. Sims (73565)--Class A.

Title: "Musicians Harmonizer and Arranger"

Question: Division of opinion as to whether under set of facts  
publication took place on October 20, or December  
11, 1939.

Enter using copies received Dec. 4, and application rec'd Dec. 22--  
H. A. Howell. "Section 12 says 'copies of the best edition then  
published', i.e., at time of application."

MP-397

# PUBLICATION

## MEMORANDUM

January 5, 1940

Remitter: Lyndall M. Sims (73565)--Class A.

Title: "Musicians Harmonizer and Arranger"

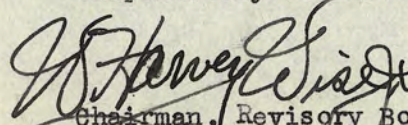
Question: Division of opinion as to whether under set of facts publication took place on October 20, or December 18, 1939.

On November 3 the Office received application (giving date of publication as October 20, 1939), fee and copies for registration of this work. The application was rejected on the ground that the notice of copyright was inadequate. The notice rejected was in the following form:

Pat. Pend. The Sims Co. 1109 Emma Ave. Des Moines, Iowa. Copyrighted 1939  
The applicant, misunderstanding the Office's rejection, reprinted the work giving a notice of copyright in the following form:  
Copyright, 1939, by L. M. Sims, Des Moines, Iowa, and files a new application giving the date of publication as December 18, 1939 (with the date of completion October 20, 1939, agreeing in this respect with the original instrument filed).

All members of the Revisory Board are agreed that the notice of copyright appearing on the copies originally filed in this Office is adequate. The division of opinion arises concerning the date of publication and acceptability of copies of the latest printing. In the opinion of Mr. Wise and Mr. Pierce registration should be made upon the application received in this Office on November 3, giving the date of publication as October 20, with the new copies received on December 4. The work was completed on October 20 and in all probability some distribution of copies was made on that date. The latest copies received clearly represent a better edition than the ones originally filed. The difference in the dates of publication given by the applicant seems clearly the result of the mistake on the part of the Office of rejecting the application originally filed. Mrs. Brady and Mr. Smith, on the other hand, are confused by the applications giving two dates of publication and feel that the Office should conduct correspondence to determine when copies of the work were placed on sale, sold or publicly distributed.

Respectfully submitted,



Chairman, Revisory Board

Enter using copies received December 4 and application received Dec. 22-- order of Mr. Howell. "Section 12 says 'copies of the best edition then published', i.e., at time of application."

## NOTICE

## M E M O R A N D U M

January 5, 1940

Remitter: Mader's German Restaurant (77841)--Class A.

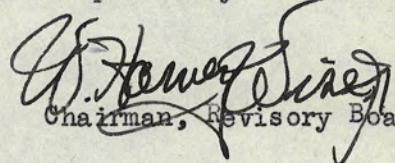
Title: "Mader's Schnitzelbank"

Question: Division of opinion as to adequacy of copyright Notice.

Application has been filed for "Mader's Schnitzelbank" in behalf of Gustave G. Mader. The notice of copyright consists of the statement "Copyright 1939" and in immediate juxtaposition thereto in large letters appears the statement Mader's German Restaurant. The name on the letterhead of Mr. Mader by which he transmitted this application for registration is Mader's German Restaurant. It seems highly probable that Gustave G. Mader is doing business as, or the sole proprietor of, Mader's German Restaurant.

It is the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce that correspondence should be conducted, and if Gustave G. Mader is the proprietor of Mader's German Restaurant, an appropriate application should be filed indicating this relationship. Mrs. Brady, on the other hand, takes the position that the name of Gustave G. Mader does not appear in the notice of copyright on the copy submitted, and, therefore, the claim should be rejected.

Respectfully submitted,

  
Chairman, Revisory Board

Enter, if after correspondence it is found that Gustave G. Mader is doing business as Mader's German Restaurant.  
order of Mr. Howell.

## NOTICE

## MEMORANDUM

January 5, 1940

Remitter: Messenger Corporation (76800)--Class A

Title: "Jesus on the Mount of Olives" and "The Good Shepherd"

Question: Division of opinion as to acceptability of copyright notice.

The works in question are calendars, with the print appearing at the top of the copy, immediately beneath which is the conventional calendar. The borders of all copies are embossed with artistic decorations. The notice of copyright is placed under the leaves of the calendar in such a way that it is not discernible until the leaves of the calendar are either removed or turned back.

In the opinion of Mrs. Brady and Mr. Wise the notice of copyright is not in an acceptable position so as to be noted by a member of the interested public. It is concealed from view by the calendar and would not normally become exposed until the last sheet (month) is torn from the work. Their view supports that of the examiner. Mr. Smith and Mr. Pierce, on the other hand, takes the position that the notice of copyright appears on the same plate as the one from which the print has been struck, and, therefore, the notice is in a position admitting of registration.

Respectfully submitted,

*W. Hawley Cline*  
Chairman, Revisory Board

Enter--order of Mr. Howell.