

Book

(See "NOTICE")

MEMORANDUM

February 23, 1940

Remitter: E. J. Rose (5615)--Class A.

Title: "Tournament of Roses, 1940."

Question: Two names given in copyright notice accompanied by application giving the name of only one of the copyright proprietors.

Enter as applied for--order of Mr. Howell 3/9/40. "If the publisher (printer) has any rights, Rose will hold in trust for the printer."

See full memo under "Notice"



MP-425

Music

MEMORANDUM

February 23, 1940

Remitter: S. T. A. Publishing Co. (5309)--Class E.

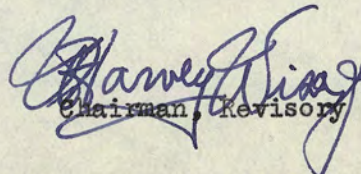
Title: "You Were Mine From the Start"

Question: Division of opinion as to whether application giving full name of copyright owner should be accepted, although at variance with notice which gives only certain initials. Note--new application giving all names filed upon request of Office.

The name of the copyright owner is given in the notice of copyright as S. T. A. Publishing Co. The original application agreed with the notice in this respect. The Office conducted correspondence requesting application on form E with a statement in the first space of the full name of the copyright owner. Applicant has complied with the request, filing an application giving the name of the copyright owner as follows: Songs to Arrange Publishing Co., Leta Bander.

In the opinion of the examiner correspondence should be conducted to determine whether the new application gives the legal form of the name and whether the name given in the application is the one by which the firm is known to the public. If the firm is known to the public as the S. T. A. Publishing Company, then that form of the name should be given in a new application. Mrs. Brady sustains the recommendation of the examiner. Mr. Wise, Mr. Smith, and Mr. Pierce, on the other hand, take the position that registration should be made, accepting the new application giving the full name of the copyright owner. Applicant has complied with the Office's request in supplying this name and it would be the subject of some embarrassment to now request an application following the form which was originally employed by the applicant.

Respectfully submitted,


Chairman, Revisory Board

Enter--using application received February 15, 1940--order of Mr. Howell.

Notice

MEMORANDUM

(Feb. 23, 1940 minutes)
March 5, 1940

Remitter: E. J. Rose (5615)--Class A.

Title: "Tournament of Roses, 1940."

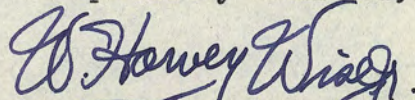
Question: Two names given in copyright notice accompanied by application giving the name of only one of the copyright proprietors.

The notice of copyright is in the following form:
 Copyright Jan. 2, 1940
 Wolfer Printing Co., Inc.
 and E. J. Rose

The application accompanying these copies gives only the name of E. J. Rose. Correspondence was conducted requesting an explanation of the variance, and the explanation received from Mr. E. J. Rose is that the printer--Wolfer Printing Co.--wrongfully included its name in the copyright notice. He therefore desires the claim to be registered only in his own name.

Mr. Smith takes the position that Mr. Rose should submit from the printing company a statement of their rights since to him it appears that registration could only be made in conformity with the notice in the absence of an assignment. Mrs. Brady feels that the only registration which could be made would be in the name of the original claimants as in notice (if actual owners of the copyright) or in the name of their assignee. If E. J. Rose is the actual owner (solely) at time of publication, this Office cannot pass upon rights of other claimant. Remedy seems to be to register in both names and secure an assignment from the printing company. In the opinion of Mr. Wise and Mr. Pierce the applicant's request should be complied with and the application accordingly passed for registration.

Respectfully submitted,


 Chairman, Revisory Board

Enter as applied for--order of Mr. Howell 3/9/40. "If the publisher (printer) has any rights, Rose will hold in trust for the printer."