

AUTHORSHIP

MEMORANDUM

April 3, 1940

Remitter: Frank Lozito (19372)--Class E.

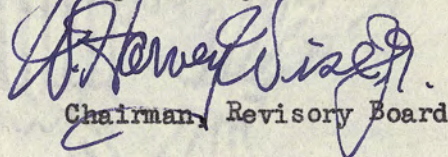
Title: "Vagabond Rambler"

Question: Division of opinion as to whether application is complete with respect to statement of authorship and composership.

The words and music for this composition, according to the application and copy are by Frank Lozito. In the upper lefthand corner of the copy there is a statement "Arranged by George P. Heeb."

In the opinion of Mr. Smith and Mr. Pierce registration should be made as applied for. There is no variance between the application and copy, and the Indexing Section can make proper reference to George P. Heeb. Mrs. Brady, on the other hand, supports the examiner that a letter should be written to determine whether a complete copy has been filed--only words and melody have been filed--and to inquire the part contributed by George P. Heeb to the composition.

Respectfully submitted,


Chairman, Revisory Board

Examiner sustained--but do not return copy--order of Mr. Howell 4/10/40

BOOK
(See "Publication")

M E M O R A N D U M

April 3, 1940

Remitter: Claude T. Barnes (4889)--Class A.

Title: "The Wending Year"

Question: Division of opinion as to whether forty copies distributed to friends in advance of the date copies are actually placed on sale amounts to a publication.

"I do not think so (publication) under the circumstances explained by applicant. Write that the date on which he put a price on the book and offered it to the public for sale at that price would be the date of publication. Send Al."--H.A. Howell 4/10/40

MP 446

Book

MEMORANDUM

April 3, 1940

Remitter: R. R. Donnelley and Sons Co. (16956)--Class A.

Title: "The 'I Am' Discourses"

Question: Shall Office write requesting more specific statement of new matter in application?

The application submitted on March 11 gives in the first space as the statement of new matter "Minor Changes." Correspondence has been conducted and the applicant has responded on March 21 stating that the minor changes "constitute changes in wording, punctuation, capitalization, etc. throughout the book."

In the opinion of Mr. Wise this statement is adequate and this excerpt from the letter should be attached to the application and registration made. Mr. Smith, Mrs. Brady, and Mr. Pierce, on the other hand, feel that a more specific statement of new matter should be given in the application and recommend additional correspondence.

Respectfully submitted,

W. Howard Seely
Chairman, Revisory Board

Write first--order of Mr. Howell 4/20/40

New application passed for registration 5/23/40

MP-446

BOOK

MEMORANDUM

April 3, 1940

Remitter: Saalfield Publishing Co. (AA326746)
Copyright Owner: N. E. A. Service, Inc.

Title: "Our Boarding House - Major Hoople and His Horse"

Question: Division of opinion as to whether application filed on form A2 with the statement of new matter as "Adaptation of story from newspaper strip OUR BOARDING HOUSE" is in error sufficient to justify request of application on form A1.

Application has been filed on form A2 with a statement in the first space "Adaptation of story from newspaper strip OUR BOARDING HOUSE".

In the opinion of Mr. Smith, Mrs. Brady, and Mr. Pierce this is a book published for the first time (new adaptation) and application should accordingly be filed on form A1. Mr. Wise, on the other hand, takes the position that the application filed is adequate. It clearly states in the first space the nature of the work for which copyright protection is sought. It is true that an A1 application is probably preferable. Nevertheless the A2 application is adequate, giving a complete picture of the work for which copyright registration is sought.

Respectfully submitted,

W. Harvey Lewis
Chairman, Revisory Board

Register as applied for--order of Mr. Howell. 4/9/40.

MUSIC
(See "Authorship")

MEMORANDUM

April 3, 1940

Remitter: Frank Lozito (19372)--Class E.

Title: "Vagabond Rambler"

Question: Division of opinion as to whether application is complete with respect to statement of authorship and composership.

Examiner sustained--but do not return copy--order of H.A.Howell 4/10/40

MP-446

PUBLICATION

MEMORANDUM

April 3, 1940

Remitter: Claude T. Barnes (4889)--Class A.

Title: "The Wending Year"

Question: Division of opinion as to whether forty copies distributed to friends in advance of the date copies are actually placed on sale amounts to a publication.

The copies filed bear a copyright notice giving a 1940 year date and the application now submitted gives the date of publication as January 3, 1940. Applicant in his letter of March 12 states that prior to January 3 he gave away copies to his friends as Christmas presents--some forty in number.

In the opinion of Mr. Wise and Mr. Pierce restricted distribution of copies as gifts to a limited number of friends does not constitute publication. Furthermore, applicant states that "the book has not yet been placed in any bookstore for sale to the general public; and all of the copies so far sent out have been complimentary." Reference is also made to the letter of February 21, 1940, in which applicant states that "no copy has ever been sold; none has ever been placed where the public could procure them; but complimentary copies have been sent out." Under these circumstances it is extremely doubtful whether publication has taken place. In the opinion of Mr. Wise and Mr. Pierce the applicant should be advised that if and when a general distribution to the public takes place application should be filed giving the date when such copies were offered to the public, and an examination will be made looking to registration. Mrs. Brady and Mr. Smith, on the other hand, take the position that the restricted distribution of copies to a number of friends constitutes publication, and, therefore, the application should be rejected.

Respectfully submitted,

W. Harry Wise
Chairman, Revisory Board

"I do not think so (publication) under the circumstances explained by applicant. Write that the date on which he put a price on the book and offered it to the public for sale at that price would be the date of publication. Send Al."--order of Mr. Howell 4/10/40.