

MEMORANDUM

September 20, 1940

Remitter: Schroeder and Gunther, Inc. (57400)--Class A.

Title: "The Pleasure Way of Learning to Play Piano."

Question: Division of opinion as to whether registration should be made under class A or E for the new material.

Application is filed on form E1 for a republished musical composition with a statement of the new matter as "pages 12, 13, 22, 23, 29, 30, 31, and 32." An examination of the new material shows that all pages consist of music with the exception of pages 30 and 31, which have a considerable amount of text matter under the heading of "Suggested Daily Routine for Development of Technic."

The original registration which was made for this work a number of years ago was under class E as a musical composition. Registration today would be made under class A as a book in view of the large amount of explanatory text. The work would be considered an instruction book in music rather than a musical composition.

In the opinion of Mrs. Brady registration should be made as applied for. All of the pages contain some music, and the original registration was in this classification. Mr. Wise and Mr. Smith agree with Mrs. Brady, but in view of the text matter on pages 30 and 31, they feel bound by the instructions of the Register of Copyrights to the effect that "new musical composition" cannot consist of text matter, and, accordingly, they take the position that registration should be made upon application form A2 with a statement of the new matter in space (1).

Respectfully submitted,

W. Harvey Wise Jr.
Chairman, Revisory Board

Enter on form E1 as applied for--H.A.Howell.

MP-562

Copyrightable?

MEMORANDUM

September 20, 1940

Remitter: Frank Edward Adams (56156)--Class G?

Titles: "God Bless America," and "Keep America Out of the War."

Question: Division of opinion as to whether there is original authorship sufficient to support a copyright claim.

The works deposited consist of the conventional Uncle Sam hat with a ribbon around the crown bearing the words "God Bless America" in one case and "Keep America Out of War" in the other. Applicant admits that there is no original authorship in the hat or the words, but feels that there is some in the placing of the ribbon around the crown with the words upon it. In support of his applications he refers to registrations made for similar works recently,

for the same hat with ribbon but different wording

In the opinion of Mr. Wise and Mrs. Brady there is no original authorship to support a claim of copyright. Any copyrightable material that may have existed has been covered by previous registrations. Mr. Smith, on the other hand, takes the position that there is original authorship here in the drawing, and, therefore, registration should be made accordingly.



Respectfully submitted,

James Wise
Chairman, Revisory Board

Reject--whatever copyrightable material present has been covered by previous registrations.--H.A.Howell.

BOOK
(See "Music")

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Enter on form E1 as applied for--H.A.Howell.