

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"

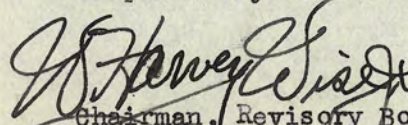
Question: Division of opinion as to whether under set of facts publication took place on October 20, or December 18, 1939.

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."