

MP-419

Classification

MEMORANDUM

February 14, 1940

Remitter: Barlow and Barlow (72948)--Class I

Title: "Chart for determining z from t, h, and d."

Question: Division of opinion as to classification.

Application has been filed in behalf of Charles P. Bemms for registration of a "Chart for determining z from t, h, and d." It consists of two scales intersecting at right angles.

In the opinion of Mrs. Brady and Mr. Pierce the work should be published with such explanatory text matter as seems necessary and registration made for the whole under Class A as a "book." Mr. Smith, on the other hand, feels that this is class I material, but the Office should question whether the work has been published. In the opinion of Mr. Wise registration should be made as applied for. If the material can be accepted as a technical drawing there seems to be no reason to question publication in this form.

Respectfully submitted,

W. Stanley Wise
Chairman, Revisory Board

Enter--order of Mr. Howell. 2/17/40.

MP-419

DRAWING.
(Scientific)

MEMORANDUM

See "Classification"

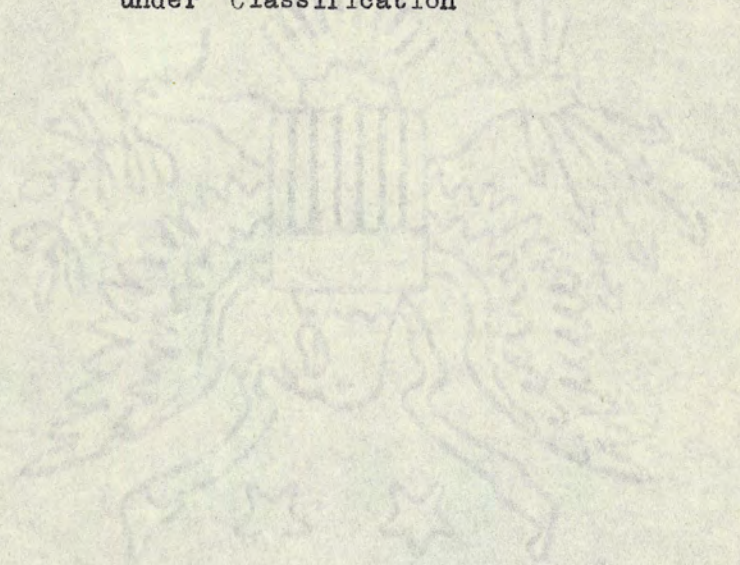
February 14, 1949

Remitter: Barlow and Barlow (72948)--Class I

Title: "Chart for determining z from t , h , and d ."

Question: Division of opinion as to classification.

Enter--order of Mr. Howell (class I.) See full memo
under "Classification"



MP-419

Musical Comp.
(New matter)

MEMORANDUM

February 14, 1940

Remitter: Hamilton S. Gordon, Inc. (78504)--Class E.

Title: "Auld Lang Syne," "Give the Stranger Happy Cheer,"
"For He's a Jolly Good Fellow," and 4 others.

Question: Division of opinion as to adequacy of statement
of new musical composition upon which new claim of
copyright is based.

The new applications for these works give as the state-
ment of new material upon which copyright is claimed as
"voice and piano arrangement." The examiner takes the
position that the statement of new matter should read as
follows: "change of lyric and arrangement of music."

In the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce
the statement in the applications is adequate. To them it
appears that copyright is claimed upon an arrangement for
voice and an arrangement for piano. The suggested change of
the examiner would indicate that there has been some change
in the words, whereas none is noted. Mrs. Brady, on the
other hand, supports the examiner. She feels that if any
registration is possible a very specific statement of new
matter should be given as the originals of all of these works
are in the public domain.

Respectfully submitted,

W. Harvey Lieber
Chairman, Revisory Board

"Why not suggest entry of publication as a whole - E." --
H. A. Howell 2/19/40.

MP-419

MUSIC

See "NOTICE"

MEMORANDUM

February 14, 1940

Remitter: Stasny Music Corp. (159)--Class E.

Title: "Red River Dave Song Book, No. 1"

Question: Division of opinion as to adequacy of copyright notice
for collection of musical compositions.

Register--order of Mr. Howell, as ^{is}. We suggested application
E--musical work. Sec. 19 expressly provides that the notice
may be applied upon the first page of music.

(See main memo under "Notice")

MP-419

NOTICE

MEMORANDUM

February 14, 1940

Remitter: A. Kroch (9547)--Class A

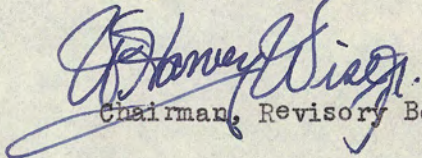
Title: No. 2, Have a Circus with this Brand New Jumbo Crossword
Puzzle."

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

The work submitted for copyright consists of a large envelope bearing a print with the title "No. 2, Have a Circus with this Brand New Jumbo Crossword Puzzle." Within the envelope is a page of text matter of definitions and the sheet upon which the puzzle appears in the form of an elephant. In addition to the elephant there appear several pictures, one of a clown. The copyright notice appears on this large sheet.

In the opinion of Mrs. Brady, Mr. Wise, and Mr. Smith registration may be made since the notice of copyright appears upon the largest enclosure and this bears the full title. It is believed that correspondent should be advised that in the future a safer course of action would also be to include the notice of copyright on the envelope in which the enclosures are placed. Mr. Pierce on the other hand, takes the position that the claim should be rejected since the notice does not appear on the title-page.

Respectfully, submitted,


Chairman, Revisory Board

Enter but write (as in case of No. I in October last).--order
of Mr. Howell.

MP-419

Notice

MEMORANDUM

February 14, 1940

Remitter: Stasny Music Corp. (159)--Class E.

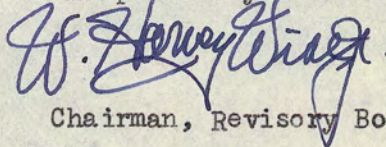
Title: "Red River Dave Song Book, No. 1"

Question: Division of opinion as to adequacy of copyright notice for collection of musical compositions.

After some correspondence applicant has filed an application on form E for his book entitled "Red River Dave Song Book, No. 1," in which he gives the date of publication as January 16, 1940. There is no notice of copyright on the cover or on the inside title-page containing the table of contents. There is, however, a notice of copyright on each and every one of the musical compositions in the book.

Mrs. Brady, Mr. Smith, and Mr. Pierce feel that the application should be rejected because of the absence of any collective notice and also the statement in his letter of February 8 concerning publication. He states that inadvertently the original application gave the date of publication as December 30, 1939, whereas this was the date the material was sent to the printer rather than the date when publication took place. He accordingly gives the date of publication in his new application as January 16, 1940. Mr. Wise, on the other hand, takes the position that the collective notice should have appeared on the title-page, but registration should not be denied in view of the fact that the notice of copyright appears on each musical composition in the collection. It seems analogous to a book where the notice of copyright has been omitted from the title-page but placed on each page of text.

Respectfully submitted,



Chairman, Revisory Board

Register--order of Mr. Howell, as E. We suggested application E--musical work. Sec. 19 expressly provides that the notice may be applied upon the first page of music.