

BOOK
(See "Published")

M E M O R A N D U M

June 3, 1940

Remitter: Public Letter Service (35333)--Class A.

Title: "Frank Priebe's Weekly Letter to Poultry Raisers."

Question: Do copies deposited represent the work in its
actual published form?

Inquire how published--order of Mr. DeWolf 6/5/40.



MR-480

Copyrightable?

MEMORANDUM

June 3, 1940

Remitter: H. Calvin White (33840)--Class A?

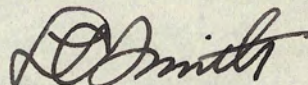
Title: "Slurry Conversion Tables"

Question: Does deposit contain copyrightable matter?

The deposit is a celluloid measuring ruler, having upon it a number of lines divided into certain definite measuring units. There are no moving parts attached.

Mrs. Brady and Mr. Pierce are of the opinion that the deposit is a device similar to a slide rule and hence not subject to copyright. Mr. Smith, however, does not feel that the deposit falls under the category of a slide ruler or any other device as there is no moving part connected with the deposit. The work is similar to the ordinary school ruler except that the nine different measuring rules appear to be the result of careful calculations so as to make the complete work the novel writing of an author and subject to copyright.

Respectfully submitted,



Acting Chairman, Revisory Board

Measuring Scale not registrable.

Notice is on the scale.

Notice irregular for Class A.

Reject.

(Whether "tables" would be copyrightable if published with correct notice--quaere).

R. C. DeWolf 6/5/40.

MUSIC
(See "Published?")

M E M O R A N D U M

JUNE 7, 1940

Remitter: Golden West Music Press (26112)--Class E.

Titles: "A Cocktail, a Cigarette and You," "Tyrolka" and
"How Can I Tell?"

Question: Publication.

Enter as E2--order of Mr. DeWolf 6/8/40.

MUSIC

MEMORANDUM

June 3, 1940

Remitter: Theodore L. Peterson (35350)--Class E.

Title: "Chorus to 'My Hope Is Yours to Share'"

Question: Is copy of chorus alone sufficient to act as
copyright deposit with E3 registration.

The applicant has deposited only the chorus of his musical composition. The new matter upon which he now bases his claim consists of Part II of the Chorus.

Mrs. Brady and Mr. Pierce are of the opinion that registration can only be completed after there has been deposited a copy of the complete musical composition. Mr. Smith is of the opinion that the registration can be made covering the copyright claim of the new matter in the chorus with the present amended E2 application and copy.

Respectfully submitted,



Acting Chairman of the Revisory Board

Complete copy should be filed.--order of Mr. DeWolf. 6/5/40.

PUBLISHED

MEMORANDUM

June 3, 1940

Remitter: Public Letter Service (35333)--Class A.

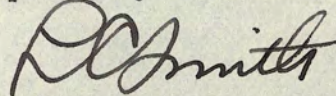
Title: "Frank Priebe's Weekly Letter to Poultry Raisers."

Question: Do copies deposited represent the work in its actual published form?

Registration of past issues of this work have been made during the period of the last three years. At this late date the examiner now questions the deposit and feels that there is some doubt as to whether it is actually published in the form deposited, believing that the copies are sent to magazines and newspapers, and it is not until they appear in such works that the material reaches the public.

Mrs. Brady sustains the examiner. Mr. Pierce and Mr. Smith are of the opinion, however, that the work is actually published in the form deposited in that the printed heading of the letter reads: "Frank Priebe's Weekly Letter to Poultry Raisers." It would seem, therefore, that the material is sent both to individual poultry raisers and in addition to syndicated to various periodicals.

Respectfully submitted,



Acting Chairman of the Revisory Board

Inquire how published--order of Mr. DeWolf 6/5/40.

MP-480

PUBLISHED?

MEMORANDUM

June 3, 1940

Remitter: Golden West Music Press (26112)--Class E.

Titles: "A Cocktail, a Cigarette and You," "Tyrolka,"
and "How Can I Tell?"

Question: Publication.

Correspondence has been conducted to determine whether these compositions, applications for which have now been submitted on forms E2, are published or unpublished. The copies are marked "for professional use only." The applicant in his response dated May 8, 1940 makes the following statement: "I thought that as soon as the copies are printed and taken off the press that that is the date which should appear on the forms. That is the way I copyright the songs that go on sale. Since these three songs are professionals and not for sale then you may copyright them the date that you have received them."

In view of this statement, to Mr. Wise, Mr. Smith, and Mr. Pierce registration as unpublished musical compositions is in order and the applications submitted should be passed for registration as applied for. Mrs. Brady, on the other hand, sustains the examiner in taking the position that publication has taken place. Her statement follows:

"Public distribution of professional copies would, I should think constitute publication. It is obvious that remitter does not understand 'publication' as it is necessary to answer question in last paragraph of his letter. I think we should explain publication and delay recording until we know whether there has been a distribution of these songs. His expression 'not for sale' referring to these copies shows that he is unaware of distribution as publication despite the fact that he prints with notice."

Respectfully submitted,

W. Harvey Wise
Chairman, Revisory Board

Enter as E2--order of Mr. DeWolf 6/8/40.

MP-480

NOTICE

MEMORANDUM

June 3, 1940

Remitter: Tesch and Darbo (34833)--Class A.

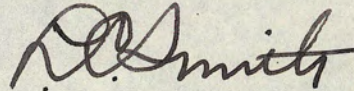
Title: "Amateur Radio--A Beginners Guide"

Question: Does the name of the copyright claimant appear in the notice?

On the title-page appears the title followed by the name of the author, one inch below which appears the words "Copyright, 1940" and one inch below that the name of the publisher. The copyright claimant is the publisher.

Mrs. Brady and Mr. Pierce are of the opinion that doubt arises whether the author or the publisher is the copyright claimant and hence the notice should be rejected as faulty. Mr. Smith is of the opinion that the notice is a good one and registration should be completed.

Respectfully submitted,



Acting Chairman of Revisory Board

Reject--order of Mr. DeWolf 6/5/40.