

M E M O R A N D U M

June 24, 1940

Remitter: James J. Recca (22560)--Class E.

Title: "In Coney Island"

Subject: Questionable copies, copyright owner, and date of publication.

On April 3 copies were deposited bearing a corrected copyright notice, changes having been made both in the year date and the name of the copyright owner, so that it read: Copyright 1934 by J. Recca, 347 E. 61 St. Sent with the copies was an application giving the name of the copyright owner James J. Recca, and the date of publication July 1, 1934. On May 14 this Office wrote Mr. Recca that the copies deposited appear to be proof copies and asked for copies of the best edition actually published with a new application on form E. It was also pointed out to him that if he had made an assignment of this work to the Lucky Music Publishers, such instrument should be recorded in this Office. In response there was received in this Office on May 24, an application form E, giving the name of the copyright owner as James J. Recca and the date of publication, May 20, 1940. Copies of a better edition were also deposited bearing a copyright notice "Copyright 1934 by James Recca" and immediately beneath this notice the statement "Copyright assigned 1940 to Lucky Music Publishers, 347 E. 61th St., N.Y.C."

Mr. DeWolf is of the opinion that the musical composition was actually published in 1934 and hence the application received April 3 and the copies deposited May 24 should be used to complete the registration without further question. Mr. DeWolf does not think it necessary to ask for a new application giving the name of the present owner of the copyright as Lucky Music Publishers in view of the fact that correspondence indicates that James Recca is the owner of the Lucky Music Publishers. Mrs. Brady is of the same opinion, that is, that the application of April 3 is acceptable, but holds further that the copies deposited April 3, 1940 should be used in preference to the better edition received here May 24, and thus avoid the question of the copyright claim.

Mr. Smith believes that the copies deposited May 24 are acceptable as copies of the best edition. He does not feel, however, that a proper application has yet been filed. He suggests that in space (1) the

name of the copyright owner should be given as Lucky Music Publishers, James J. Recca, sole owner, and that in space (8) should be given the correct date of publication which probably took place in 1934 and not in 1940 as shown by the latest application received.

Respectfully submitted,

R.C. Smith

Acting Chairman, Revisory Board

Order of Register of Copyrights:

Write and inquire as to present ownership of copyright and correct date of publication. Ask new application.



MEMORANDUM

June 25, 1940

Remitter: Benjamin Chiu James (36970)--Class A.

Title: "Jong Kay"

Question: Division of opinion as to whether publication has taken place.

The Copyright Office on June 5 received application, fee and typewritten copies for registration of a work entitled "Jong Kay." The Office on June 12 questioned whether the work had been published and on June 13 received mimeographed copies with a letter dated June 12, in which the following statement was made:

I did not know that these would be suitable as I printed these the first thing and instead of sending them, I typed the other copies that I mailed. I am very sorry to have caused you any inconvenience.

A new application was filed at that time giving a sworn date of publication as June 4, 1940.

In the opinion of Mr. Wise and Mr. Smith registration should be made as applied for. The copies are mimeographed in a form admitting of publication and the Office has the same sworn date of publication in two different instruments (see application filed on June 5). Mrs. Brady, on the other hand, takes the position that publication in the meaning of the Copyright Act has not taken place in the form of these copies and supports the position with the author's reference to the material as manuscript.

Respectfully submitted,

Henry Wise
Chairman, Revisory Board