

PRINT OR LABEL
(See classification)

M E M O R A N D U M

October 3, 1940

Remitter: Wells, Corinne Updegraff (62168)--Class KK?

Title: "Your Home"

Question: Does the deposit fall under classification KK?

Enter as applied for - H. A. Howell. (A-1)

Complete Copy
of Periodical Required
(See "Periodical
Contribution.")

M E M O R A N D U M

October 3, 1940

Remitter: Sherman K. Ellis and Co. (33908)--Class A.

Title: "Now's the Time for a Good Time..." in "Arkansas Democrat"

Referred to Register of Copyrights on waiving deposit of original
newspaper copy.

The provision in Section 12 respecting what is required as a deposit
is a statutory mandate. This Office is bound by the terms of the Act.
The words of the Statute cannot be superceded by administrative pro-
cedure. C. L. Bouvé

MEMORANDUM

October 3, 1940

Remitter: Wells, Corinne Updegraff (62168)--Class KK?

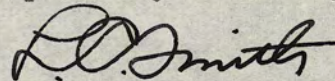
Title: "Your Home"

Question: Does the deposit fall under classification KK?

The deposit consists of a single sheet folded once and contains two articles of interest to the housewife in addition to five articles advertising various articles of manufacture sold by the Lomrick Appliance Corp., which is also the copyright claimant and publisher of the particular work in question. Four of the five mentioned articles include prints advertising the particular product discussed. The copy also bears ~~2~~ other prints which add to the "atmosphere" of the publication, one being a fireplace, the other, the exterior view of a typical home.

Mr. Wise and Mrs. Brady are of the opinion that this work falls under the broad classification of "book" and should be so registered. Mr. Smith, however, views Mr. DeWolf's memorandum of September 17, 1940, concerning the discussions of September 16, 1940 between the Register of Copyrights, Mr. Howell, Mr. DeWolf and Mr. Reed, as being of such nature that the Revisory Board is required to follow the suggestions made and hence the particular deposit in question falls under the classification KK. It is to be noted, however, that Mr. Smith believes that it is a borderline case and that there is great doubt whether it is the intention of Congress to consider a work of this kind as an advertising print.

Respectfully submitted,



Member of Revisory Board

Enter as applied for - H. A. Howell. (A1)

BOOK
(See classification)

M E M O R A N D U M

October 3, 1940

Remitter: Wells, Corinne Updegraff (62168)--Class KK?

Title: "Your Home"

Question: Does the deposit fall under classification KK?

Enter as applied for - H. A. Howell (A-1)

MP-574

PERIODICAL
CONTRIBUTION

MEMORANDUM

October 3, 1940

Remitter: Sherman K. Ellis and Co. (33908)--Class A.

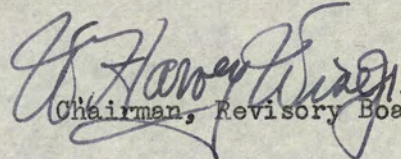
Title: "Now's the Time for a Good Time..." in "Arkansas Democrat,"
May 16, 1939, and 7 others.

Referred to Register of Copyrights on waiving deposit of original
newspaper copy.

Considerable correspondence has been conducted in this case, during which the applicant has been constantly advised that it is necessary for the Office to have copies of newspapers in which the contributions have been published to complete registration. The correspondent now advises that after diligent effort newspapers are not available. He submits photostatic copies taken from copies in a public library and requests that these copies be accepted.

The Revisory Board is clearly without authority to waive the provision of the Copyright Act with respect to copies, and the case is submitted to the Register of Copyrights for decision.

Respectfully submitted,


Chairman, Revisory Board

The provision in Section 12 respecting what is required as a deposit is a statutory mandate. This Office is bound by the terms of the Act. The words of the Statute cannot be superceded by administrative procedure. C. L. Bouvé

MINORITY MEMORANDUM

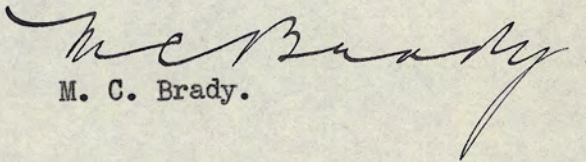
October 12, 1940

Remitter: Boyd Rowden (No. 61438)

Title: "Wingin' Through"

Question: Adequacy of statement of new matter in application filed in response to Copyright Office letter of Sept. 30.

The specific claim in the original application was stated as follows: "Revision in both lyrics and melody." As "revision" is not acceptable term in reference to musical composition, the Examiner requested a new application E-3 giving the new matter as "Changes in words and melody." Unfortunately, this recommendation was changed to read in the Copyright Office letter as follows: "Changes in words and music." The word "music" in this relation covers the accompaniment, arranged by Joseph Ceccacci, as well as the melody, which is the work of Boyd Rowden, and it is evident from the original application filed that the "changes" on which the new claim was based were only in the melody; that is, in the work of Boyd Rowden. Therefore a new application should be filed giving an exact statement of new matter as requested by the Examiner in the first instance.


M. C. Brady.

Enter as applied for on application received October 3. H. A. Howell

MINORITY MEMORANDUM

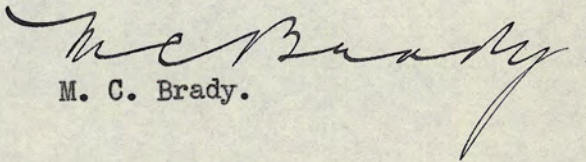
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