

CLASSIFICATION
(See "Commercial Print")

MEMORANDUM

October 9, 1940

Remitter: McCann-Erickson, Inc. (55904)--Class ?

Title: "Aged Beer is Better for You"

Question: Is the deposit classifiable as KK material?

Register as commercial print.--H.A.Howell.

PERIODICAL CONTRIBUTION
(See "Commercial Print")

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Register "Aged Beer is Better for You" as commercial print--H.A.Howell

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Title: "Aged Beer is Better for You."

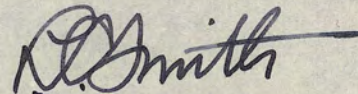
Question: Is the deposit KK material?

The periodical contribution appears as follows in lettering giving the ad an unusual appearance:

AGED
 BEER
 is better
 for you
 LUCKY
 LAGER
 is age-dated

Mrs. Brady and Mr. MacCarteney do not believe there is sufficient text matter to constitute a book, and, therefore, there could be no registration under class A5, and further that the work is not a print and hence could not be registered under Class KK. If such view is entertained, then no copyright in the work at all is obtained and the use of the copyright notice is improper. Mr. Smith, however, is of the opinion that the lettering is of such a character and arranged in such unusual fashion (than that usually found in periodical contributions) that the work is subject to registration under class KK. Unless this view is held no registration of a copyright claim would be made at all in view of the fact that there does not appear to be sufficient text matter to constitute a "book" and yet it does not seem that the copyright claimant is without any protection at all under the copyright law, following the publication of this work with the copyright notice. Registration of the claim to copyright is, therefore, recommended by Mr. Smith under class KK. If, however, registration is not possible under class KK, then the doubt as to whether the material falls under the classification "book" should be resolved in favor of the applicant, and registration made under class A5.

Respectfully submitted,



Acting Chairman, Revisory Board

MP-579
Music

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.

H. C. Brady.

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