

BOOK  
(See "Music")

MEMORANDUM

October 29, 1940

Remitter: Rubank, Inc. (59388)--Class A?

Title: "Rubank Advanced Method for Flute"

Question: Division of opinion as to whether application on form A1 as filed should be used or whether E should be required--notice on first page of music.

Enter as E. Notice misplaced for a book but o.k. for music.  
Work is music.--H.A.Howell 10/30/40.

MP-598

Music

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The copies filed represent an instruction book in advanced methods of playing the flute. There is considerable text matter and a large number of scales and exercises. The notice of copyright is not on the title-page or page immediately following but appears on page 5 which is the first page of music. Applicant has filed application on form E as a musical composition and form A1 as a book.

*but was required to file on*

In the opinion of Mrs. Brady and Mr. Smith registration should be made under class E as a musical composition based upon the following facts: (1) the notice is not in a position required for a book; (2) classification goes to the essence of the work. It should be noted that application on form E has been amended. Line (7) of the application has been amended to read: "Title of musical book."

Mr. Wise, on the other hand, is of the opinion that registration should be made under class A1 as a book. The Office has repeatedly urged applicants to make registration for musical instruction books under class A as a book, and to be logical it appears to him that registration should be made in this case as a book. The work should not be rejected as a book merely because the notice which should be placed upon the title-page or reverse thereof is placed on the first page of music.

Respectfully,

*[Handwritten Signature]*  
Chairman, Revisory Board

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