

MP-1658

CLASSIFICATION

MEMORANDUM

January 17, 1941

Remitters: 1. Boston Music Co. (Deposit Acct.)--Class E?
2. Art Publication Society (3332)--Class A?

Titles: 1. "Bach for Early Grades, Book 3"
2. "Hunting Song"

Question: Classification.

(1) The Boston Music Company files an application on form E1 for a book entitled "Bach for Early Grades, Book 3" with the statement of new matter on which copyright is claimed as "Compilation, biographical sketch and notes on the contents." Application on form E1 cannot be accepted because of the inclusion of "biographical sketch and notes on the contents" in the statement of new musical composition. The work consists of several pages of introductory text followed by a compilation of Bach compositions. The examiner recommends that application be filed on form E and amended to read "Compiler" in line (3). She also recommends that the following statement be added after the title in the application: "with biographical sketch and notes on the contents."

(2) The Art Publication Society has filed an application on form E1 for a work entitled "Hunting Song, Op. 47, No. 18" in which copyright is claimed upon "text and second-piano accompaniment." The application filed cannot be accepted because of the inclusion of "text" in the statement of new musical composition. The work filed consists of a page and a half of introductory text which bears a copyright notice. This is followed by four pages of music (the second-piano arrangement) which likewise bears its own copyright notice. In this case the examiner recommends an E1 application for the music and an A1 for the text, thus requiring two applications for the one publication.

The Revisory Board is unable to reconcile the two foregoing recommendations. In the case of item numbered one it is the opinion of the Revisory Board that registration would best be made under class A in view of the large amount of text. In the case of item numbered 2 the Board is of the opinion that one registration is adequate to cover the entire work, relying upon the provisions of Section 3 of the Copyright Act. It is their belief in accordance with the decisions of the Register of Copyrights that the classification "book" is preferable, and, therefore, the Board recommends application form A1.

It seems clear that the same classification is applicable in both cases, not E in one and A in the other.

Ask A application in each case so as to cover compilation and all other copyrightable component parts--H.A.Howell.

Respectfully submitted,
H. A. Howell
Chairman, Revisory Board