

MP-712

PUBLICATION

MEMORANDUM

March 18, 1941

Remitter: Columbia Broadcasting System, Inc. (33404)--Class E.

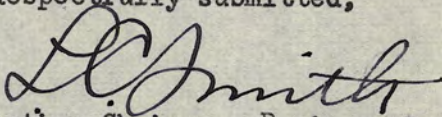
Title: "Berceuse" and "Village Festival."

Question: Has publication taken place?

The applicant states that five positive blue print copies of each of the works were originally made on May 16, 1940, two copies were sent to Broadcast Music, Inc., on October 1, 1940 and thereafter a circular was sent to more than ten persons and corporations consisting of radio stations, advertising agencies, and other potential users of the compositions informing them that upon a request from them or any other member of the public copies of the aforementioned works would be furnished to them. Since that time no requests for copies of these two compositions have been received but the applicant stands ready to furnish copies thereof to members of the public upon request. In other words the Columbia Broadcasting System states in so many words that they have published the work, and that while a few copies have been distributed they are ready, able, and willing to distribute additional copies as the demand requires.

Mr. Smith takes the position that the work has been published and that registration should be made as applied for. Mrs. Brady and Mr. MacCarteney, however, feel that there has been a "limited publication" and that, therefore, publication as understood by the statute has not taken place. Registration at this time could then only be made as an unpublished work. The applicant by such action would, of course, be deprived of all of the rights obtainable under Section 1(e).

Respectfully submitted,

  
Acting Chairman, Revisory Board

Enter as applied for--H.A.Howell. "I feel that October 1, 1940 nearer the definition when copies were offered to the public." 3/25/41