

Notice

MINORITY MEMORANDUM

February 18, 1942

Remitter: Oahu Publishing Co. (355)

Title: "Circus Blues - Counter Melody"

Question: When registration in the Copyright Office has been made of a claim to copyright in a musical composition published in 1930 with proper notice as of that year, may a second registration be recorded for the same composition with added matter published in 1941, upon the receipt of copies with notice of the original publication only as follows: "Copyright 1930 by Oahu Publishing Co.?"

The notice of copyright on the deposit in question covers the copyright secured by publication in 1930 and recorded in the Copyright Office under No. E pub. 20516. There is no notice for the new matter stated in the application to be bars 3, 4, 11, 12, 31 & 32. Therefore, as the requirements of Section 18 are not met, "that the notice shall include also the year in which the copyright is secured by publication," it appears to the undersigned that no new copyright has been secured, and that therefore a registration for new matter may not be made. A registration, however, might be in order for the insert "Circus Blues (Counter Melody)" which bears a notice, "Copyright 1940 by Oahu Publishing Co.," if such insert was published separately. The question of separate publication should be raised with reference to the "Counter Melody," and an application E-1 enclosed for possible use, advising that the statement of the composer be given as found in the deposit, that is, "Composer F. G. Taylor Jr.; Arranged by the Oahu Staff." This statement would be acceptable as it is presumed that such arrangement was made by employees for hire, and such statement should presumably be used in the records, as it implies authorship as described in the Act.

The usual sale of music for Hawaiian guitar is for the Hawaiian guitar alone. No doubt this arrangement "Circus Blues" first copyrighted in 1930 was for the melody itself. The "Counter Melody" seems to be an additional publication made by reason of demand for a second part.

The Catalogue of Copyright Entries shows a recording of the two arrangements which appear on the back of this "Counter Melody."



M. C. BRADY

Register as applied for. W. H. Wise, February 23, 1942.