

COPYRIGHT NOTICE

Section 19

MINORITY MEMORANDUM

March 24, 1942

Remitter: Volkwein Bros., Inc. (13062--refunded)

Title: Electric Park Overture.

Question: ** Please read first* Is there any justification for the registration of this work, which is in public domain, for the slight changes which are made the subject of this new claim?

The undersigned is in favor of again rejecting this musical composition despite the explanation in claimant's letter received March 13--

"The copyrights are always engraved on the solo cornet parts and if our man in assembling these two copies did not put the solo cornet part on the outside that should surely make no difference in getting a clear copyright on same. These pages are all cut apart before the band can play them so what would be the difference whether the solo cornet is on the outside or inside or on the back."

This explanation as to the proper way of folding the copies to exhibit the notice of copyright might be acceptable as to the position of the notice but does not justify in the opinion of the undersigned the revival by these publishers of a work now in the public domain, upon the pretext of slight changes. True, the refolding of the copies brings the Solo B-flat Cornet part on top, and there is a notice on that part but no new matter in that part, only the original 1906 composition (not renewed) of Chas. Southwell. The slight changes found in this work, including a change of title, as the original 1906 composition was called "Searchlight March and Two-Step" by Chas. Southwell, for band (C-113522, Feb. 5, 1906), scarcely seem to warrant the issuance of a certificate of copyright, and the republication with notice should be condemned. Separate band parts which are purchasable separately do not bear notices, and although the work may be sold as an entity the parts are also sold separately and none bears the notice except the Solo B-flat Cornet or lead part, which is unchanged over the original composition of 1906. The pretext for reviving this work is so flimsy and such a flagrant filching from the public, that it is the considered opinion of the undersigned that this Office is not justified in making a new registration of this anomalous publication.

* This work was originally rejected because of the position of the notice. New copies were received in which the copies were so folded as to put the notice in an acceptable position. However, in spite of the adjustability of the copies I would still reject not only for the original reason but also because I do not think there is any justification.

Register as applied for. Give applicant benefit of doubt. W. H. Wise,

M. C. Brady
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