

MP-441

Book

MEMORANDUM

March 20, 1940

Remitter: Frederic W. Horner (65262)--Class A.

Title: "Excursions into Music"

Question: Division of opinion as to whether registration is to be made or the material to be filed without action in absence of reply to Copyright Office letter.

The copies of the work submitted for copyright are mimeographed with the exception of the title-page which is typewritten. The Office conducted correspondence to determine whether publication in the meaning of the Copyright Act had actually taken place, but did not receive an explanation which was satisfactory to the examiner. Further correspondence on this subject has received no attention from the correspondent.

In view of the nature of the deposit and the affidavit accompanying it with the sworn date of publication, it is the opinion of Mr. Wise and Mr. Smith that registration should be made as applied for. Mrs. Brady, on the other hand, takes the position that the case should be filed without action. A copy of her memorandum is attached hereto.

Respectfully submitted,

W. Howard Wise
Chairman, Revisory Board

Enter on application received December 7, 1939--order of Mr. Howell.

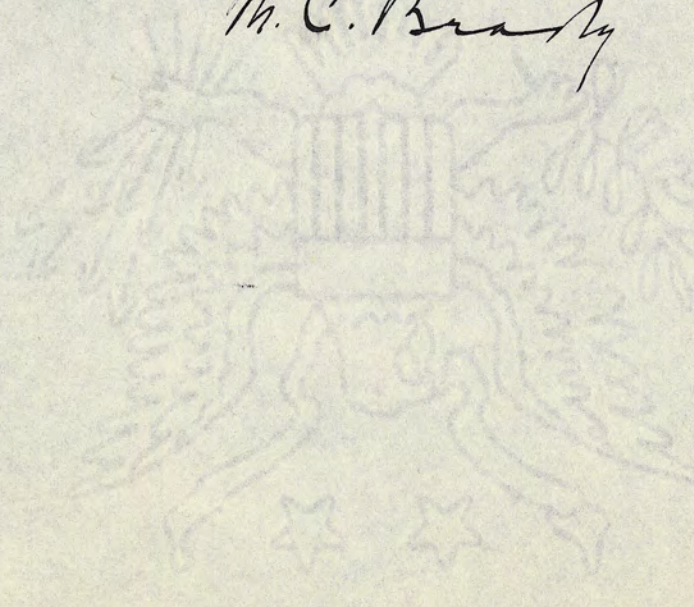
March 19, 1940

To the Revisory Board:

Re: Application of Frederic W. Horner for "Excursions Into Music"

It is my opinion remitter's letter received Dec. 7, 1939, with new application and affidavit evinces a misunderstanding of the term "publication". The second paragraph of this letter implies that publication was postponed until "copyright date was secured in order to place such date upon the permanent title page." Read paragraph beginning "Second" of that letter. Furthermore, the reference in the first paragraph in the same letter to the "two best editions with changed title page" testifies also to claimant's ignorance of the meaning of publication, which he confuses with the sending of the copies to this Office. In spite of the fact that we have had no reply to our letter of December 15, I think it necessary to either write again explaining publication or to file this case without action.

M. C. Brady



Lecture?

MEMORANDUM

March 20, 1940

Remitter: Wallace R. Hamilton (No Fee)--Class C?

Title: "Mlle Yvonne and her Wonder Horse Daisy"

Question: Division of opinion as to whether single page of text matter is a monologue as alleged by correspondent.

The Copyright Office has received for registration a single page of typewritten text matter consisting of a monologue used by the director in putting Daisy, the Wonder Horse, through her tricks on the stage.

In the opinion of Mr. Wise, Mr. Smith, and Mr. Pierce registration is in order under Class C. The material is actually prepared for oral delivery and to them there seems no ground upon which rejection can be made. Mrs. Brady, on the other hand, takes the position that the work filed is not a work which can be registered either as an unpublished drama, lecture, sermon or address.

Respectfully submitted,

J. Harvey Fisher
Chairman, Revisory Board

Reject--order of Mr. Howell. "Stage business and patter of this character hardly constitute a lecture or dramatic composition within the meaning of the copyright law.