

MP-476

Music

MEMORANDUM

May 27, 1940

Remitter: Stanford F. Brent (24282)--Class E.

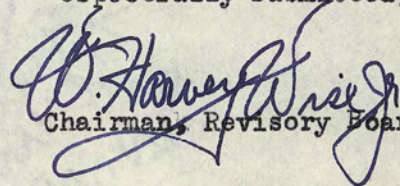
Title: "Pagan Moon."

Question: Division of opinion as to whether there is sufficient new musical composition to support a claim of copyright.

The application filed is for a reissued (unpublished) musical composition filed on form E3 with the following statement of new material: "Extensive changes in lyrics made through adaptation of new title."

In the opinion of Mr. Wise, Mr. Smith and Mr. Pierce this statement shows new material sufficient to support a new claim of copyright and they feel that registration should be made as applied for. Mrs. Brady, on the other hand, supports the examiner in the recommendation that there is an inadequate statement of new material to support a claim of copyright and that a more specific statement should be requested.

Respectfully submitted,


Chairman, Revisory Board

Reject--order of Mr. DeWolf 6/4/40.

Music

M E M O R A N D U M

May 27, 1940

Remitter: John J. Schneider (23334)--Class E.

Title: "Drums of Freedom"

Question: Division of opinion as to whether there is sufficient new musical composition to support a claim of copyright.

Application is filed on form E1 for a republished musical composition with new copyright matter. The statement of new material is given as follows: "In the Chorus, the words 'march from sea to sea, Land' changed to read 'wave in unity, Flags'." In the applicant's opinion this change was sufficient to justify the registration of a new claim of copyright and he accordingly printed a copyright notice as follows: Copyright MCMXXXXX by Songtex Music Company. He submitted the material for registration in Canada and has received a copyright on the new composition. His application filed in this Office was rejected on the ground that there was inadequate material to support a claim of copyright. The applicant in good faith placed a 1940 copyright notice upon the copies published. The case has now come before the Revisory Board for review.

In the opinion of Mrs. Brady, Mr. Smith, and Mr. Pierce the change of these words in the chorus: "march from sea to sea, and" to "wave in unity Flags" is not sufficient to justify a new registration and they accordingly support the examiner in her rejection. On the other hand, Mr. Wise takes the position that the new material though small in quantity may be termed large in quality, since it has the effect of substantially changing the message conveyed by the chorus. The new matter is admittedly small, but in his opinion the applicant in view of all of the circumstances should be given the benefit of the doubt, and the application passed for registration.

Respectfully submitted,

Harvey Wise
Chairman, Revisory Board

Reject--order of Mr. DeWolf 6/4/40. Answer letter.