

NOTICE

## MINORITY MEMORANDUM

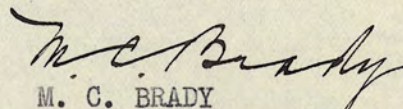
Sept. 1, 1942

Remitter: Gebhart (James N.) (48518)

Title: "Johnny My Boy"

Question: Position of notice of copyright.

Deposit is a published song entitled "Johnny My Boy." The song has a red, white and blue cover with the illustrations of a soldier, sailor, and an aviator in appropriate uniforms. The back of the front cover is a blank page. At the top of the first page of the music appears a four-line poem "My Prayer for You," signed "Mother." This prayer is enclosed within a decorative border. Immediately under the poem at the head of the music in bold black type the title of the song appears, "Johnny My Boy." There can be no doubt that this is the title page as well as the first page of music. The next two pages are devoted to the chorus. At the head of the chorus, on the second page of the music, the title in small type appears again. This chorus is continued on the third page, and at the end of that page of the music an adequate notice of copyright is found. It, therefore, seems evident that the provisions of Section 19 as to the position of the notice of copyright have not been met. The title appears on the first page of the music, which is the usual place for the title. Its reappearance in small type at the head of the second page of the music has no significance whatever because there is a valid title page. The only notice which appears on this deposit is at the end of the third page of the music, which is also the end of the composition. It is the opinion of the undersigned that as the provisions of the statute are not met no copyright is secured, and therefore no claim may be recorded. The acceptance of such a notice as the one under consideration has no precedent in the annals of the Revisory Board. This has been established by a review of all decisions with respect to position of the notice of copyright on music.

  
M. C. BRADY

Notice on last page of music fatally defective as to position. We have already so informed the claimant. I see nothing for it but to refund.

R. C. De Wolf  
August 3, 1942