

GOLDIE & GUMM
1540 BROADWAY
NEW YORK

December 9th, 1935.

Miss Ida M. Tarbell,
120 East 19th Street,
New York City.

Dear Miss Tarbell:

I have read the outline of plan for
radio sketches on the Life of Lincoln.

I note that you had in mind 36 radio
sketches and have outlined six scenes.

Your question is as to whether it can
be copyrighted. I take it that your question really refers to
whether the copyright office will accept a deposit of same with
claim of copyright.

In its present form, it is my opinion
that the copyright office would not accept a deposit unless the
work were printed. A copyright is secured in such cases by
"publication" with notice of copyright. The date of publica-
tion is deemed to be the earliest date when copies of the
first authorized edition were placed on sale, sold, or publicly
distributed.

Your work might be copyrighted in a
different form without printing and without publication.

Under Section 11 of the Copyright Act,
copyright may also be had of the works of an author of which
copies are not reproduced for sale, by the deposit, with claim
of copyright, of one complete copy of such work if it be a
lecture or similar production or a dramatic composition, etc.

Under the latter provision, either a
lecture or a dramatic composition can be copyrighted whether
intended to be delivered over the radio or otherwise. Type-
written copies may be deposited for this purpose.

In its present form, your work does not
seem to be either a lecture or a dramatic work, but, rather,
an outline for a dramatic work.

If you had a copyright on it as a lecture,
no one would be permitted to dramatize it without your permission.

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It would not seem difficult to recast what you have in lecture form.

Probably you are less interested in the foregoing than you are as to whether you can copyright your plan. Broadly speaking, neither plans nor ideas can be copyrighted. The recorded decisions show many modifications on the statement that ideas cannot be copyrighted. When an idea is embodied in a literary work for which copyright has been secured, great emphasis is often laid upon the fact that the ideas reappear in an alleged infringing work and this fact is often decisive as against the infringer.

It seems to me that your six scenes could easily be converted into a lecture by eliminating the three lines beginning with "Outline of Plan" at the top of the first page. All references to acts and scenes could be omitted. It would be necessary to change the language where it takes the form of directions as to what is to be worked out so that it expresses briefly the thoughts that would be presented instead of directions as to what sort of presentation was intended.

For instance, this sentence occurs on the first page, "One could develop a scene on these facts I think". That would come out. The language following that sentence might be subject to some modification. And so on throughout the six pages.

If this letter is not clear, I shall be happy to try to clarify it.

I am enclosing the six pages which you sent me. With best regards,

Very sincerely,



WVG:GM
Enc.