

# White-Smith Music Publishing Co. v. Apollo Company

209 U.S. 1 (1908)

## MELVINE CLARKS APOLLO The Player Piano

THE Melville Clark Piano and the Apollo were made, from the very beginning, for each other.

Aside from being one of the few great pianos of the world, the Melville Clark Piano is specially constructed to meet the requirements of a player-piano. The good pianos that contain other players deteriorate under the unaccustomed strain.

The first Apollo made was installed in a Melville Clark Piano especially constructed to receive it, and from that day to this, piano, player and music have been constructed, each for the other, under the supervision of a man who has been the leader in his line of work for 35 years. Melville Clark made even the first Apollo play the piano correctly. He made it play with a downward stroke on the keys and made it play 88 notes—the full keyboard.

For angle pears the Apalin was the only player that played B5 notes, and divergences on the only one that touches only player that played B5 notes would be the could be the Apalin or predeted in this excitative right by U.S. postenio. We are the largest manufacturers of plans players in the world who make the energy the plans and the music under one tool. We have been marking B6 noise players and B5 notes music more than twice as any other manufacturer of plans and B5 notes music more than twice as any other manufacturer and players and B5 notes music more than twice as any other manufacturer of players and B5 notes fully explained to your in a certain of noise of the B11 style. See and your some and only dress are seen on our three handwood database. Materials Clerk Prame without players, \$500 to \$1.000

The Melville Clark Piano Co. 512 Fine Arts Bldg., Chicago

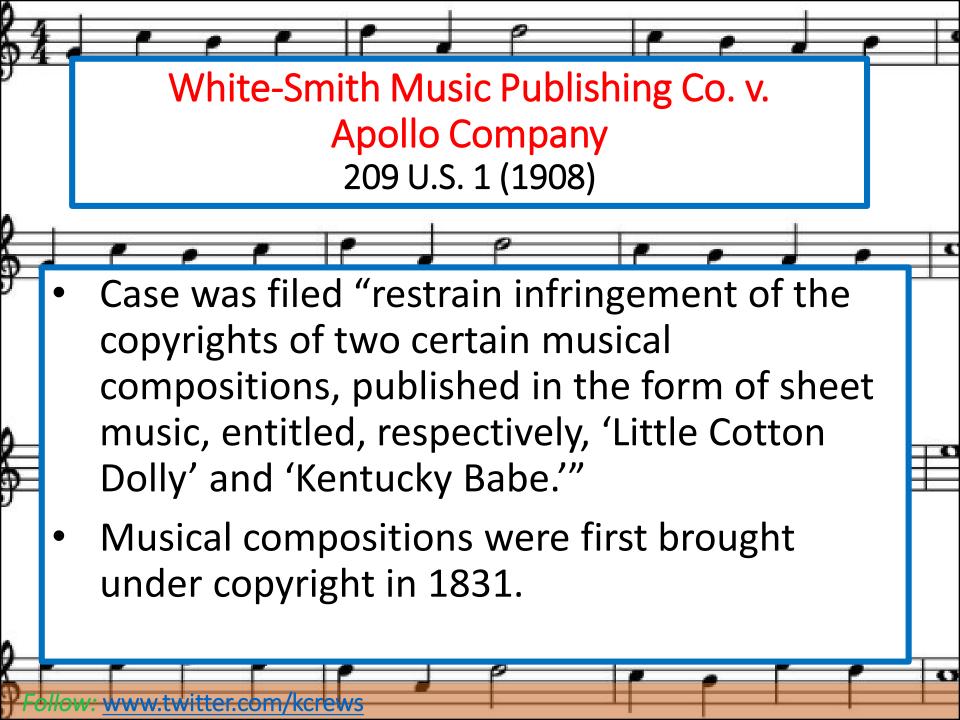
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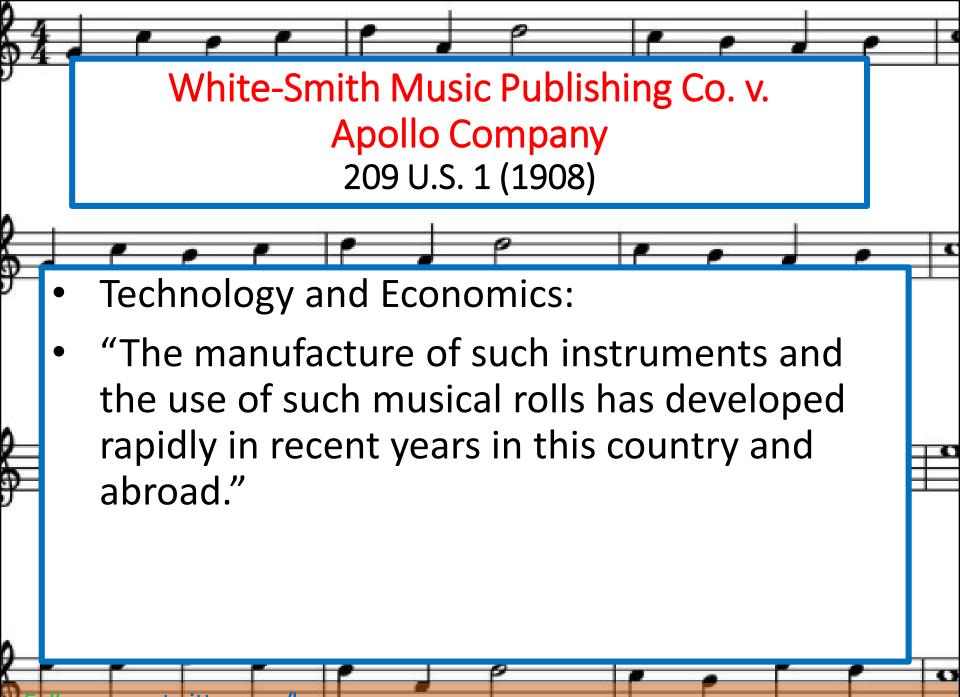


Source:

http://antiquepianoshop.com

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White-Smith Music Publishing Co. v. Apollo Company 209 U.S. 1 (1908)

- Copyright Owners Argued:
- "it is the intention of the copyright act to protect the intellectual conception which has resulted in the compilation of notes which, when properly played, produces the melody"
- "protection covers all means of expression of the order of notes"

16.7

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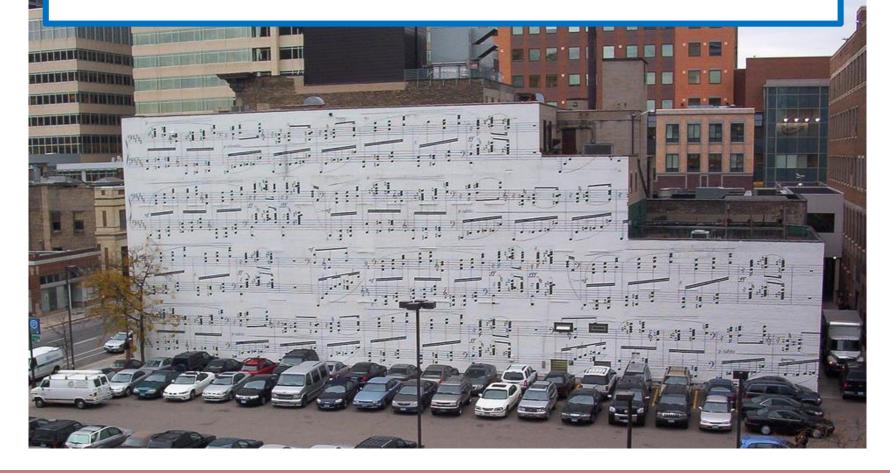
- The Court relied heavily on other decisions:
- "We cannot regard the reproduction, through the agency of a phonograph, of the sounds of musical instruments playing the music composed and published by the complainants, as the copy or publication of the same within the meaning of the act."

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- The Court was hooked on Sheet Music:
- "When the combination of musical sounds is reproduced to the ear it is the original tune as conceived by the author which is heard. These musical tones are not a copy which appeals to the eye."
- Copyright does not protect "intellectual conception apart from the thing produced."

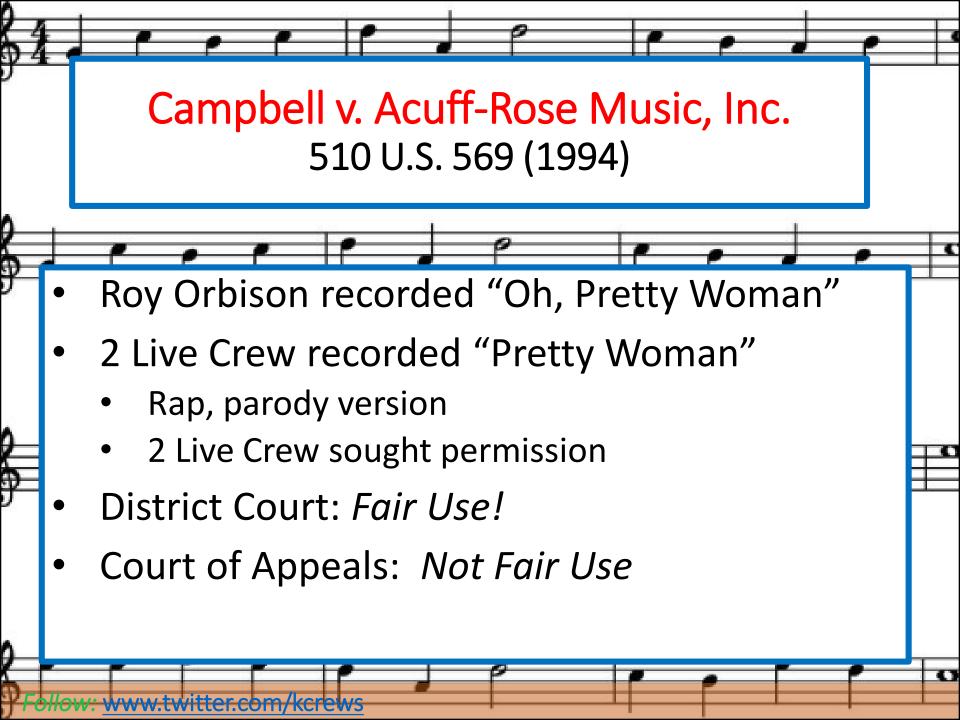
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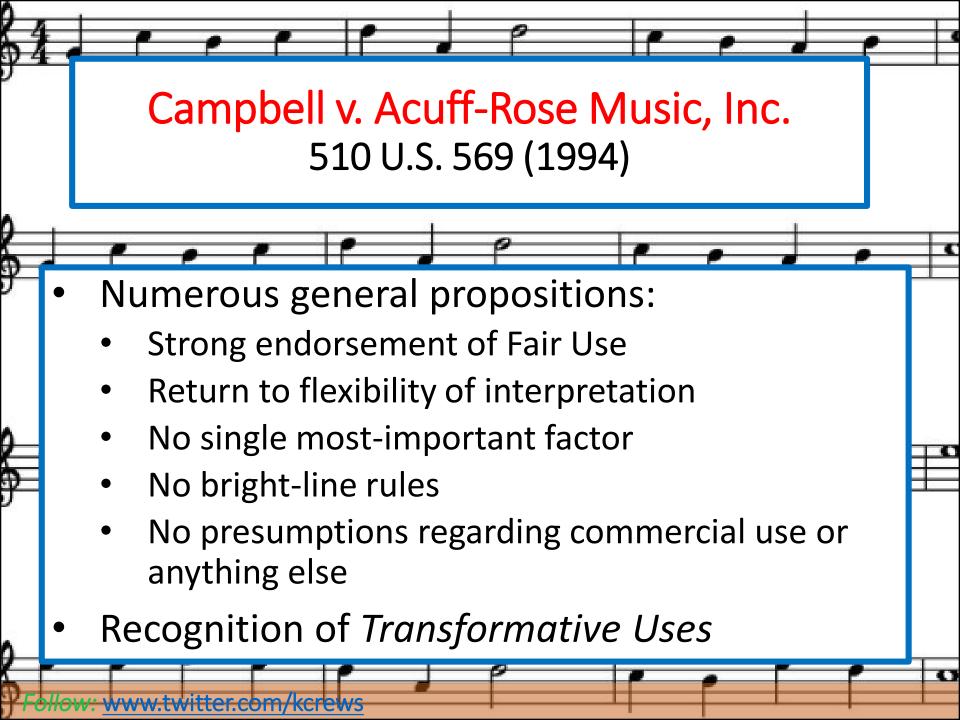
### Schmitt Music, Minneapolis Maurice Ravel, Gaspard de la Nuit



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Campbell v. Acuff-Rose Music, Inc. 510 U.S. 569 (1994)

• Creativity about Creativity:

"2 Live Crew juxtaposes the romantic musings of a man whose fantasy comes true, with degrading taunts, a bawdy demand for sex, and a sigh of relief from paternal responsibility. The later words can be taken as a comment on the naiveté of the original of an earlier day, as a rejection of its sentiment that ignores the ugliness of street life and the debasement that it signifies."



