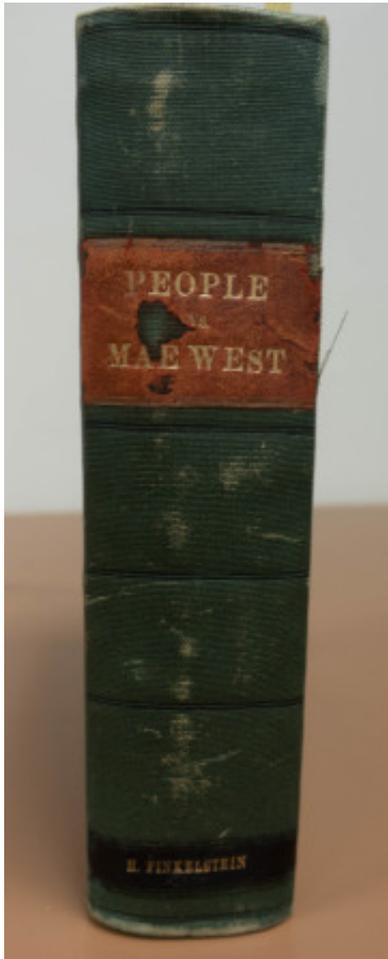


## The ASCAP Collection

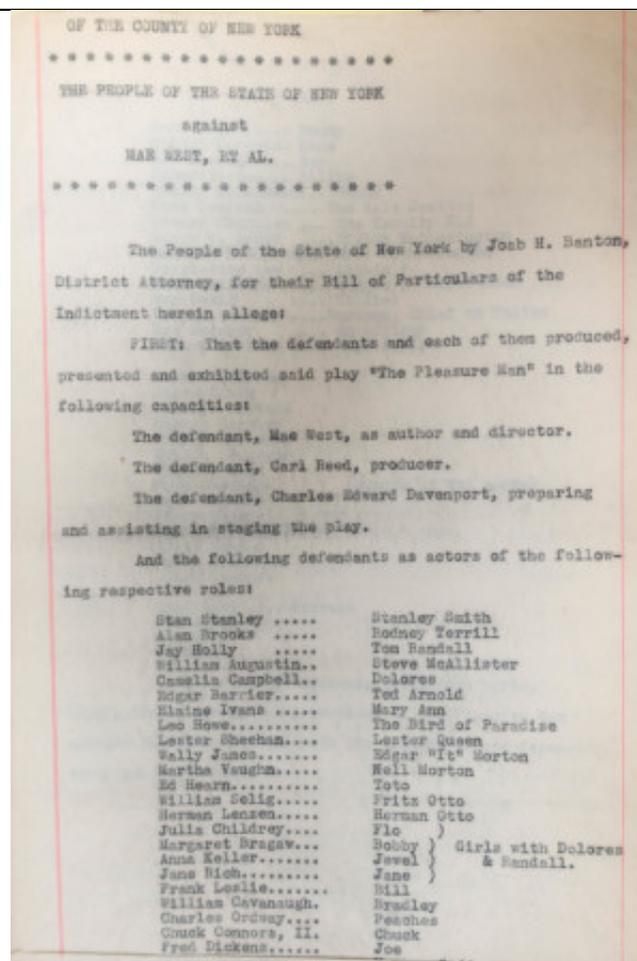
**Ken Rodriguez**, *Reference & Intellectual Property Law Librarian & Professorial Lecturer in Law*

Thanks to the generosity of the performing rights organization [ASCAP](#) and the research perseverance of [Zvi Rosen](#) (LL.M., Intellectual Property Law, 2006), the [Jacob Burns Law Library](#) has acquired a collection of materials from ASCAP (American Society of Composers, Authors, and Publishers). According to Rosen, “These documents are some of the most important documents in the history of the music business, radio, and copyright in the first half of the twentieth century, and I’m glad they’ve found a home at the GW Law Library, where they’ll be accessible to researchers.”



Rosen, currently a Professorial Lecturer in Law who teaches Trademark Law & Unfair Competition at the Law School, contacted ASCAP as part of his ongoing efforts to locate transcripts of pre-1955 oral arguments at the U.S. Supreme Court. Rosen had hoped that ASCAP might have some, given its involvement in cases during the early twentieth century at the land’s highest court, including *Herbert v. Shanley Co.*, 242 U.S. 591 (1917), in which the Supreme Court held that “the performance of a copyrighted musical composition in a restaurant or hotel without charge for admission to hear it infringes the exclusive right of the owner of the copyright to perform the work publicly for profit.” It turned out that ASCAP was in the process of downsizing its library during a recent move to new offices, in New York, and allowed Rosen to take away approximately twenty boxes of historical texts to donate to the Law Library. Rosen himself delivered the collection to the Law Library.

The collection appears to have comprised part of ASCAP’s internal law library, specifically texts acquired by lawyers Nathan Burkan, one of ASCAP’s founders (and the counsel of record in *Herbert v. Shanley Co.*), and Herman Finkelstein, who served as general counsel of ASCAP, as well as litigation materials – decisions, records, and briefs – from some of the copyright and antitrust cases in which they and ASCAP were involved. Many of the texts include their respective bookplates and names printed on the spines of materials they had bound.



One of the collection's highlights is a typewritten transcript of the 1930 trial of the sultry film star Mae West for her play *The Pleasure Man*. Burkan, whose clients also included Charlie Chaplin and Gloria Vanderbilt, defended West successfully against obscenity charges.

The collection also includes early- to mid-twentieth century intellectual property texts and treatises (e.g., MacGillivray's *A Treatise Upon the Law of Copyright: in the United Kingdom and the Dominions of the Crown, and in the United States of America*, and Amdur's *Copyright Law and Practice*), Congressional reports and hearings (e.g., *Report on Copyright Legislation by the Register of Copyrights*), and ASCAP papers and documents (e.g., ASCAP consent decrees and bylaws from 1950).

The Law Library is most grateful to Zvi Rosen and to ASCAP for the donation of these important materials.B



## Photo Credits

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