



## Eligibility Criteria For Secure Tests

The U.S. Copyright Office has a special procedure for examining secure tests to protect the confidential nature of these works. Applicants submit an online application and filing fee, and upload a completed questionnaire and a redacted copy of the test. If the secure test is scheduled for an in-person examination, applicants must bring a redacted and unredacted copy of the actual test and the examination fee to the Office. For detailed instructions, see *Compendium of U.S. Copyright Office Practices, Third Edition* **chapter 700**, section 720.2 and *Copyright Registration of Secure Tests (Circular 64)*.

The Office cannot determine if a test is eligible for an in-person appointment until you submit an online application, pay the fee, upload a completed questionnaire, and upload a redacted copy of the entire test. If you do not submit these materials through the electronic registration system, or if you filed a paper application rather than an electronic application, we cannot consider your claim.

## Works That May Be Eligible For The Secure Test Procedure

The special procedure for examining secure tests only applies to tests that are administered under supervision at specified centers on scheduled dates where all copies of the test are accounted for and either destroyed or returned to restricted locked storage following each administration. See **37 CFR § 202.13(b)**.

The Office created this special procedure due to the need for heightened security for certain types of standardized tests. The Office reserves complete discretion to determine whether any particular test meets all of the eligibility requirements for this special procedure. While all tests entail concerns about security, only a small percentage of tests qualify as secure tests under the regulatory definition.

Applicants that qualify for the secure test procedure must bring a complete, unredacted copy of the actual test that is used at specified testing centers to the Office so that it may be examined for copyrightable authorship. Questions that are stored in – or randomly pulled from – a database or a test bank cannot be registered as a secure test if the database or test bank is simply a medium for storing questions and does not represent an actual test that is administered at specified testing centers. Similarly, instructional materials for individuals that administer or proctor a secure test may not be eligible for this procedure.

For each test, you must file a separate application, pay a separate fee, and upload a separate questionnaire. Likewise, you must submit a separate application, fee, and questionnaire when registering multiple versions of the same test. For examples that illustrate this requirement, see *Copyright Registration of Secure Tests (Circular 64)*.

The examiner will review the test as a whole to determine if it contains a sufficient amount of creative expression. To assert a claim in this type of authorship you may state “text” or “compilation of test questions” in the Author Created field. If you want to register a revised version of a preexisting test, you may state “revised secure test” in the Author Created and New Material Included fields.

## Secure Test Questionnaire

Please answer the following questions to determine if you are eligible to schedule a secure test appointment:

1. What is the title of this test?  
\_\_\_\_\_
2. Does your test qualify as a **secure test** under the definition of that term in the Copyright Office's regulations?  
\_\_\_\_\_
3. Is your test administered under supervision? A test is administered under supervision if test proctors or the equivalent supervise the administration of the test.  
\_\_\_\_\_
4. Is your test administered at specified centers? A specified center is defined as a physical location where the test is administered to a number of test-takers. An IP address does not qualify as a specified center.  
\_\_\_\_\_
5. Is your test administered under secure conditions on scheduled dates? In other words, are specific dates announced for the administration of this test at specified centers?  
\_\_\_\_\_
6. Is your test nonmarketed? For purposes of registration, a test is considered nonmarketed if copies of the test are not sold, but instead are distributed and used in such a manner that the test sponsor or publisher retains ownership and control of the copies.  
\_\_\_\_\_
7. Do all of the test-takers receive identical copies of the test? Do all of the copies contain the same selection and arrangement of test questions?  
\_\_\_\_\_
8. Are all copies accounted for after each administration of the test? Are the copies destroyed or returned to restricted and locked storage after each administration?  
\_\_\_\_\_  
\_\_\_\_\_
9. Is your test administered with printed copies, such as physical test booklets? Does the test contain multiple booklets? If so, what is the title of each booklet?  
\_\_\_\_\_  
\_\_\_\_\_
10. Is your test administered with computers or other electronic devices? If so, please let us know whether you plan to bring a printout of the entire test or an electronic storage device (such as a CD-ROM, DVD, or flash drive) that contains a copy of the entire test. Please note that if you bring an electronic storage device you must bring a laptop or other electronic device that is capable of displaying the electronic copies. You also should bring an appropriate container for the electronic storage device, such as an envelope or a jewel case.  
\_\_\_\_\_  
\_\_\_\_\_
11. Did you upload a redacted copy of the entire test to the electronic registration system? See the following page for examples of an acceptable redaction.  
\_\_\_\_\_



**UNREDACTED SAMPLE**



THE TEST COMPANY

TEST BOOKLET

Question 1: What is the sum of 10+9?  
A. 11  
B. 17  
C. 19  
D. 21

Question 2: Which of the boxes below contains a photo of the United States Capitol?

A.  B. 

C.  D. 

PAGE 3 | TEST BOOKLET


**REDACTED SAMPLE**


THE TEST COMPANY

TEST BOOKLET

Question 1: V  
A. 11  
B. 17  
C. 19  
D. 21

Question 2: V  
a


A. 

C. 

PAGE 3 | TEST BOOKLET

Question 1: V  
A. 11  
B. 17  
C. 19  
D. 21

Question 2: V  
a

A. 

PAGE 3 | TEST BOOKLET

Cover is unredacted.

Page number and question numbers are unredacted. Redacted area with narrow vertical or diagonal strip of visible content.

## Scheduling An Appointment For A Secure Test

If your work appears to be eligible for the secure test procedure based on your answers to the questionnaire, a Copyright Registration Examiner will contact you to schedule an appointment.

The fact that the Copyright Office schedules an appointment does not necessarily mean that your work is eligible for the secure test procedure or that it will be registered. If at the time of the appointment, the examiner determines that the work does not meet the legal, formal, eligibility, or deposit requirements, you must still pay the required examination fee. This fee is set forth in the Office's [fee schedule](#) under the heading "Secure test examining fee (per staff member per hour)." The fee is based on the amount of time that it takes to examine the secure test materials during your appointment, and is separate from the \$55 filing fee that you submit with the electronic application.

## What To Bring To The Appointment

If the Office schedules an appointment to examine your test, you should bring the following materials to the scheduled examination appointment:

1. A copy of the completed electronic application for this test. You can print a copy of the application within 24 hours after it was submitted by logging into the electronic registration system and clicking the "My Applications" link, which appears on the home page under the heading "Check Registration Case Status."
2. The examination fee (to be determined by the length of the examining time) payable by credit card, Copyright Office deposit account, or check made payable to the U.S. Copyright Office.
3. A copy of the redacted version of the test that you uploaded to the electronic registration system.
4. A signed declaration confirming that this copy is identical to the redacted copy that was uploaded to the electronic registration system. In preparing this declaration you must use the form that is posted on the Office's [website](#).
5. An unredacted copy of the actual test that is provided to test takers at specified test centers on specified dates.

**Note:** If you fail to bring a copy of the application or the redacted copy that you uploaded to the electronic registration system, you will be charged for the time it takes for the examiner to retrieve these materials from the Office's files.

In all cases, you must bring an unredacted copy of the entire test, and the content of the test must be completely visible so that the examiner may review it for creative authorship. The questions that appear in the unredacted copy should precisely match the questions in the redacted copy that you upload to the electronic registration system.

If the secure test is administered on a computer or other electronic device, you may bring an electronic copy of the redacted and unredacted versions of the test, but the copies must be stored on a CD-ROM, DVD, flash drive or other external storage device. You must bring a laptop or other electronic device that is capable of displaying the electronic copies. Providing a copy that is stored solely on a laptop, a tablet, or accessible solely through a secure internet connection is insufficient. You also should bring an appropriate container for the electronic storage device, such as an envelope or jewel case.