

CHAPTER 600

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REGISTRATION PROCEDURES

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[Number 611 is reserved.]

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- 615            Name of author.
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    619.03        Nature of authorship: nonspecific descrip-  
                  tion.  
    619.04        Nature-of-authorship statement: omitted.  
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                  material.  
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- 620            Date of creation.
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                    work.
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- 621.02        Publication information given.
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                    application.
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                    space.
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- 626            Derivative works: definition.    (cont'd)
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                 material.
- 626.06        Material-added statement: description of  
                 minimal elements.

[Number 627 is reserved.]

- 628            Reproduction for use of blind or physically-  
                 handicapped individuals.
- 629            Certification by applicant.
- 629.01        Certification by applicant: authority to  
                 submit application.
- 629.02        Certification by applicant: owner of exclu-  
                 sive rights.
- 629.03        Certification by applicant: form of signa-  
                 ture.
- 629.04        Certification by applicant: date of certifi-  
                 cation.
- 630            Effective date of registration.
- 630.01        Effective date of registration: acceptable  
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- 630.02        Effective date of registration: acceptable  
                 deposits.
- 630.03        Effective date of registration: acceptable  
                 fee.
- 630.04        Effective date of registration: effect of  
                 receiving necessary minimal elements.
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- 632            Cancellation.
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- 632.02        Circumstances under which a registration will  
                 be cancelled.
- 632.03        Cancellation of renewal claim.



CHAPTER 600  
REGISTRATION PROCEDURES

- 601        Applicability of this chapter. This chapter states the Copyright Office practices and procedures for registering original claims to copyright. For renewal registrations, see Chapter 1300: RENEWAL OF COPYRIGHT. For supplementary registrations, see Chapter 1500: CORRECTIONS AND AMPLIFICATIONS OF COPYRIGHT OFFICE RECORDS; SUPPLEMENTARY REGISTRATIONS.
- 602        Registration: in general. Copyright registration is intended to make a public record of the basic facts of a particular copyright. In general, the copyright law does not require registration as a condition of copyright protection; but see section 602.01 below. Registration may, however, provide important advantages to copyright owners. Among these advantages are the following:
- a) Registration establishes a public record of the copyright claim.
  - b) Ordinarily registration is necessary before a copyright action for infringement may be filed in court. See 17 U.S.C. 411(a).
  - c) If made before or within five years of publication registration is prima facie evidence of the validity of the copyright and of the facts stated in the certificate. See 17 U.S.C. 410(c).
  - d) Statutory damages and attorney's fees may be awarded to the copyright owner in a court action, if registration is made before infringement occurs or if registration is made within three months after publication. See 17 U.S.C. 412.

See also Chapter 100: BASIC POLICIES.

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Registration: in general. (cont'd)

602.01

Registration: when necessary to preserve copyright. Copyright registration is required to preserve a copyright that would otherwise be invalidated because one or more of the required elements in the notice was omitted, or because the notice contained an error equivalent to no notice under the statute.

602.02

Registration: when registration may be made. In general, registration may be made at any time during the life of the copyright. See 17 U.S.C. 408(a) and 302-305. With the exception of certain foreign works protected under provisions that implement the Universal Copyright Convention, works published before 1978 must be registered during the first term of copyright to be eligible for renewal registration. During the last year of the first term, an original and renewal claim for a work may be submitted together. See Chapter 1300: RENEWAL OF COPYRIGHT.

602.03

Registration distinguished from recordation. Registration and recordation are two separate acts: claims to copyright are registered; documents are recorded. For registration, the copyright owner sends a deposit, together with an application form and filing fee, in order to make the information concerning the claim to copyright a part of the Copyright Office records; but it is not generally required in order to obtain registration that a document of transfer be submitted. For recordation, the actual document (for example, a transfer or license) is sent. Applications or deposit copies or phonorecords do not serve this purpose.

- 602            Registration: in general. (cont'd)
- 602.03        Registration distinguished from recordation.  
(cont'd)
- See 17 U.S.C. 205 and Chapter 1600: RECOR-  
DATION OF TRANSFERS AND OTHER DOCUMENTS  
PERTAINING TO A COPYRIGHT. In addition, the  
Office will not accept an application for the  
dual purpose of registering a claim and  
recording a document. See section 623 below.
- 603            Elements required for basic registration. The  
elements required for basic registration are 1) a  
completed application form; 2) the statutory fee;  
and 3) the appropriate deposit. See Chapter 700:  
APPLICATIONS AND FEES, and Chapter 800: DEPOSIT  
FOR REGISTRATION. These three elements should be  
sent to the Copyright Office in the same package.  
In general, if these elements are not sent  
together, the Office will not begin the regis-  
tration process. Instead it will return the  
partial submission and will send the applicant  
instructions on how to apply for copyright  
registration. Published deposits received  
without an accompanying application and either a  
fee or a deposit account notation, will be  
forwarded to the appropriate department of the  
Library of Congress for use or disposal. Such  
deposits will not thereafter be available for  
registration. See 37 C.F.R. 202.19(f).
- 604            Application forms. The Copyright Office pre-  
scribes five basic registration forms: Form SE  
for serials, Form TX for other nondramatic  
literary works, Form PA for works of the per-  
forming arts (musical works, dramatic works,  
choreographic works, pantomines, motion pictures,  
and other audiovisual works), Form SR for sound  
recordings, and Form VA for works of the visual  
arts (pictorial, graphic, and sculptural works).  
In general, the application should be submitted  
in the class most appropriate to the type of  
authorship that predominates in the work being  
registered. See Chapter 700: APPLICATIONS AND  
FEES.

604

Application forms. (cont'd)

604.01

Application forms: continuation sheets. In most cases, there is ample space on the principal application form for all the necessary information. Where there is not, the applicant should use an official continuation sheet provided by the Copyright Office. If the required information is given only on the continuation sheet, the Copyright Office may add it to the principal application (if the application has been signed) and file the continuation sheet, or it may use the continuation sheet with the principal application. If the continuation sheet contains solely duplicate material, the Copyright Office will use only the principal application in making registration. In such cases, the continuation sheet may be discarded.

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Examination process. When the Copyright Office determines that the material deposited constitutes copyrightable subject matter and that the other legal and formal requirements of the copyright law have been met, it will register the claim and send to the applicant a certificate of registration under the seal of the Copyright Office. See 17 U.S.C. 410(a).

605.01

Examination process: communications about registration requirements. Generally, where the registration material is unacceptable or subject to question, the Copyright Office will communicate with the applicant. See Chapter 100: BASIC POLICIES. In general, the Office will not question the accuracy of a statement made on an application. However, the Copyright Office will communicate with the applicant where the material is subject to question, as for example, where the application is ambiguous, substantially incomplete, in conflict with other information in the registration material, or with

605            Examination process. (cont'd)605.01            Examination process: communications about registration requirements. (cont'd)

information of which the Copyright Office may take administrative notice, or indicates misunderstanding of registration requirements. See also Chapter 100: BASIC POLICIES, section 108.5.

605.02            Examination process: variances. A variance exists when contradictory information is present in the registration materials.605.02(a)            Variances: disregard. Where the variance is immaterial, the Copyright Office will disregard it.

## Example:

The application names John Thomas James as author. The phonorecords deposited for registration give the author's name as Jon T. Thomas. The Copyright Office will accept the application.

605.02(b)            Variances: annotate. Where the variance is not immaterial but can be resolved for the purposes of registration, the Copyright Office will annotate the application to show the varying information. See section 605.03 below.

## Examples:

- 1) The title of the work on the phonorecord deposited for registration is "The Quick Brown Fox." The application gives the title as "The Brown Quick Fox." The Copyright Office

- 605                    Examination process. (cont'd)
- 605.02                Examination process: variances. (cont'd)
- 605.02(b)            Variances: annotate. (cont'd)
- Examples: (cont'd)
- 1) (cont'd)
- will annotate the application to reflect the title appearing on the phonorecords.
- 2) The title on the copies is "On Nuclear Rearmament"; the application gives the title as, "No Nuclear Rearmament." The Copyright Office will annotate the application to reflect the title appearing on the copies.
- 605.02(c)            Variances: communicate. Where the variance is substantial, the Copyright Office will communicate with the applicant.
- Example:
- The application gives the name of the author as "Mary Smith"; the name of the author on the copy is "Jane Amber." In the absence of information that one of the names is a pseudonym or that the work was made for hire, the Copyright Office will ask the applicant to explain the variance in the author's name.
- 605.03                Examination process: annotations. An annotation is a statement added to the application by the Copyright Office to amplify the record of facts affecting the copyright claim. Specifically, annotations are made for the following purposes:

605

Examination process. (cont'd)

605.03

Examination process: annotations. (cont'd)

- 1) To reflect certain variances, as noted at section 605.02 above.
- 2) To add missing information, for example, from the deposit, a continuation sheet or a rider to the application, a previous application, a letter from the applicant, a telephone conversation, or a personal interview.
- 3) To add comments to the application, for example, to note an antedated copyright notice, to note overlapping claims, to note references by applicant to previous correspondence as "previous registration," to note references to riders or documents, or to note grants of special relief.
- 4) Where authorized by applicant or where otherwise appropriate, to correct or delete errors on the application.

605.03(a)

Annotations: form. Annotations should be typewritten or stamped in the space marked "For Copyright Office Use Only," and should include the source of the information. Amendments should be keyed by asterisks to numbered spaces on the application.

605.04

The examination process: response from applicant. In general, after the Copyright Office has communicated with the applicant about an error or question, the applicant must respond within a reasonable time, or the file will be closed. Once the file has been closed, the applicant must submit a new application, deposit, and filing fee before the Office can reconsider registration.

- 605.05 Examination process: "rule of doubt." The Copyright Office will register a claim even though there is a reasonable doubt about the ultimate action which might be taken under the same circumstances by an appropriate court with respect to whether (1) the material deposited for registration constitutes copyrightable subject matter or (2) the other legal and formal requirements of the statute have been met. See Chapter 100: BASIC POLICIES.
- 605.06 Examination process: cautionary or warning letters. When registration is made under the rule of doubt, the Copyright Office may send a letter to the applicant cautioning that the claim may not be valid and stating the reason; and such a letter may warn, where appropriate, that the problem may exist for future works and point out how it can be avoided.
- 605.07 Examination process: not diminished by special handling. Notwithstanding the expedited treatment accorded special handling cases, these cases receive full examination by the Copyright Office.
- 606 Refusal to register. In any case in which the Register of Copyrights determines that, in accordance with the copyright law, the material deposited does not constitute copyrightable subject matter or that the claim is invalid for any other reason, the Copyright Office will refuse registration and will notify the applicant in writing of the reasons for such refusal. See 17 U.S.C. 410(b), and Chapter 100: BASIC POLICIES.

606

Refusal to register. (cont'd)

606.01

Refusal to register: unregistrable material.  
Unregistrable material includes the following:

- a) Published works ineligible because of the nationality of the author or place of first publication. See 17 U.S.C. 104(b), Chapter 1100: ELIGIBILITY.
- b) Works not fixed in a tangible medium of expression; see Chapter 200: COPYRIGHTABLE MATTER - IN GENERAL.
- c) Sound recordings fixed before February 15, 1972. See 17 U.S.C. 301(c), and Chapter 400: COPYRIGHTABLE MATTER - WORKS OF THE PERFORMING ARTS AND SOUND RECORDINGS.
- d) Works that are not "original works of authorship." See 17 U.S.C. 102(a), and Chapter 200: COPYRIGHTABLE MATTER - IN GENERAL.
- e) Works whose term of copyright has expired.
- f) Works of the United States Government. See 17 U.S.C. 101 and 105.
- g) Certain works that unlawfully employ pre-existing copyrighted material. See 17 U.S.C. 103(a).
- h) Musical arrangements made under a compulsory license without the express consent of the copyright owner of the preexisting work. See 17 U.S.C. 115.

- 606            Refusal to register. (cont'd)
- 606.01            Refusal to register: unregistrable material.  
(cont'd)
- i) Derivative works made under 17 U.S.C. 112(e) without the express permission of the copyright owner of the preexisting works employed in the transmission program. See 17 U.S.C. 112(e).
- 606.02            Refusal to register: failure to meet other legal requirements of copyright. Where the claim is invalid because certain other legal requirements have not been met, the Copyright Office will refuse registration. Examples include:
- 1) A work that went into the public domain before 1978, as determined by the law of 1909, as amended. See section 103 of the Transitional and Supplementary Provisions of the current Act and Compendium I.
- 2) In certain cases, works published under the current act without the required notice which were not registered within five years after such publication. See 17 U.S.C. 405(a), and Chapter 1000: NOTICE OF COPYRIGHT.
- 606.03            Refusal to register: applicant unauthorized. An application for registration can be submitted only by a person entitled to do so. See 37 C.F.R. 202.3(c)(1). The Copyright Office will refuse to register a claim when it has knowledge that the applicant is not authorized to submit the claim. See section 629.01 below.

- 606            Refusal to register. (cont'd)
- 606.04        Refusal to register: request for reexamination. When the Copyright Office has refused a claim as submitted, it notifies the applicant in writing of the refusal to register. After such notification, the applicant may set forth in writing his or her objections to the refusal and request that the Office reconsider its action. If the claim is refused after reconsideration, the head of the appropriate Examining Division section will send the applicant written notification of the reasons for refusal. The applicant may again request reconsideration. If the claim is refused again, the Chief of the Examining Division will notify the applicant in writing of the reasons. The Division Chief's decision constitutes final agency action.
- 607            Registration as a single unit. Single unitary works are ordinarily registered with one application, deposit, and fee. Under Copyright Office regulation, certain other works may also be registered as a single unit. See 37 C.F.R. 202.3(b)(3).
- 607.01        Registration as a single unit: published works. Works that are otherwise recognizable as self-contained may be registered on a single application and upon payment of a single fee, if they are first published in a single unit of publication and the copyright claimant of all works in the unit is the same. See 37 C.F.R. 202.3(b)(3)(A); see also 37 C.F.R. 202.3(b)(5).
- 607.02        Registration as a single unit: unpublished collections. For the purpose of registration on a single application and payment of a single fee, a number of unpublished works may be registered as a single work, if:

607 Registration as a single unit. (cont'd)607.02 Registration as a single unit: unpublished collections. (cont'd)

- 1) The elements are assembled in an orderly form;
- 2) The combined elements bear a single title identifying the collection as a whole;
- 3) The copyright claimant in all of the elements, and in the collection as a whole, is the same; and
- 4) All of the elements are by the same author; or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element.

See 37 C.F.R. 202.3(b)(3)(i)(B).

607.02(a) Unpublished collections: conditions not met. Where it is reasonably clear that the conditions for registering unpublished collections have not been met, the application will be questioned. However, where two or more titles are given in the title space on the application, the Copyright Office will annotate the application to show that the collection is indexed only under the first title.

Examples:

- 1) An application is submitted for four selections naming A as an author of all four selections and B as a co-author of two selections. The copyright notices name A as the

607                    Registration as a single unit. (cont'd)607.02                Registration as a single unit: unpublished collections. (cont'd)607.02(a)            Unpublished collections: conditions not met. (cont'd)

Examples: (cont'd)

## 1) (cont'd)

sole claimant of the selections of which he or she was sole author, and the notices for the other two selections name A and B. The Copyright Office will communicate with the applicant to determine whether all four selections are the subject of a single claim.

2) Seven works are submitted with an application naming A and B as authors and claimants. A wrote the first three works in the collection, and B wrote the other four selections. The Copyright Office will request that the applicant regroup the works and submit applications and fees for two collections. Or, the applicant may wish to submit separate applications and fees for each work.

3) Form SR gives author A as author of words, music, and performance for all songs in the collection and author B as author of words and music only. The claimants are A and B. The Copyright Office will communicate with the applicant to verify whether author B (apparently having contributed no sound recording authorship), is a joint claimant of the sound recording. If author B is a joint

- 607           Registration as a single unit. (cont'd)
- 607.02           Registration as a single unit: unpublished collections. (cont'd)
- 607.02(a)           Unpublished collections: conditions not met. (cont'd)
- Examples: (cont'd)
- 3) (cont'd)
- claimant, a transfer statement will be requested. See section 623 below. If he or she is not, the common claimant requirement has not been met as to the sound recording. In that case, the Copyright Office will request a separate Form PA for the words and music and a separate Form SR for the sound recording, as well as an additional fee.
- 607.02(b)           Unpublished collections: extent of claim. Registration of an unpublished collection extends to each copyrightable element in the collection and to the authorship, if any, involved in selecting and assembling the collection. See 37 C.F.R. 202.03(b)(3)(i)(B).
- 608           Works containing elements that are separately owned. Works embodied in a single unit that are separately owned must be registered separately.
- Example:
- A book containing a literary work by one author and pictorial illustrations by another author is submitted with an application naming both authors as authors and claimants. An accompanying letter states that each

608 Works containing elements that are separately owned. (cont'd)

Example: (cont'd)

author is the owner of his or her respective contribution. The Copyright Office will request for each work a separate fee and separate application containing appropriate limiting statements. One appropriate deposit will suffice. See Chapter 800: DEPOSIT FOR REGISTRATION.

609 One basic registration per work. In general, the copyright owner may make only one basic registration per work. See 37 C.F.R. 202.3(b)(6).

609.01 One registration per work: exceptions. The rule of one basic registration per work is subject to certain exceptions, for example:

- 1) A work registered in unpublished form is later published without change. See 37 C.F.R. 202.3(b)(6)(i);
- 2) After another claimant has registered the work, the author seeks another basic registration, naming the author as claimant. See 37 C.F.R. 202.3(b)(6)(ii); see also section 624.01(a) below;
- 3) A qualified applicant states that an earlier registration was unauthorized and invalid. See 37 C.F.R. 202.3(b)(6)(iii).

See also Chapter 100: BASIC POLICIES, section 108.06.

609.01(a) Applications that overlap in part received at the same time on behalf of the same claimant for the same work in different classes. In general, where the

609                    One basic registration per work. (cont'd)609.01(a)            One registration per work: exceptions.  
(cont'd)

Examiner is aware that applications that overlap in part were received at the same time on behalf of the same claimant in different classes, the Copyright Office will register both claims and indicate by annotation that the claims overlap in part.

Examples:

- 1) Forms PA and SR, submitted for unpublished works on behalf of the same claimant, are received in the Copyright Office on the same day. Each application describes the claim as "Music and Sound Recording." Both claims will be registered. The Form PA will be annotated to state: "Sound recording registered separately in Class SR." The Form SR will be annotated to state: "Music registered separately in Class PA."
- 2) A corporation submits two applications, one on Form VA and the other on Form TX, for two posters published on the same day. One poster contains artwork: the other contains the same artwork plus copyrightable text. The Form TX will be annotated to state: "Artwork registered separately in Class VA."

609.02                    Separate applications for separately identifiable parts. Separate applications will be accepted for separately identifiable parts of a work.

609 One basic registration per work. (cont'd)

609.02 Separate applications for separately identifiable parts. (cont'd)

Example:

A multimedia kit, including a motion picture and a workbook, is submitted along with two applications, a Form PA stating a claim on the motion picture, and a Form TX stating a claim on the workbook. Each application names the same claimant. Both of the applications are acceptable.

610 Registering different versions of a work. The definition of "created" (17 U.S.C. 101) states that different versions constitute separate works. When registration is sought for different versions and separate applications are submitted to the Copyright Office at the same time, the manner of registering these works depends on whether they contain copyrightable differences distinguishable under the copyright law, and whether they have been published.

610.01 Registering different copyrightable versions of a work: unpublished works. Where two or more unpublished versions of a work are submitted together and each version contains different copyrightable material sufficient to support a claim on its own, the Copyright Office will register the claims separately, if separate applications and fees are submitted. The applications need contain no limiting statements to account for the similar material being registered in the other versions. See section 621 below. If a single application, fee, and single title are provided for the works and the other requirements are met, the Office will register the different versions as an unpublished collection.

610 Registering different versions of a work.  
(cont'd)

610.01 Registering different copyrightable versions of a work: unpublished works. (cont'd)

Examples:

- 1) Applicant submits three applications and three versions of an unpublished musical composition for SSA, SATB, and SAB voice groupings, the three versions containing essentially the same melody and rhythm. If the versions contain copyrightable differences -- if, for example, they contain different harmonic arrangements -- each claim may be registered without limitations.
- 2) A single application and fee are submitted with a group of T-shirt designs. The artwork on several of the designs is identical, except that the captions are different. The claim is in "artwork." The claim will be registered as submitted.

610.02 Registering different copyrightable versions of a work: published works. As a rule, works published separately must be registered separately, including versions which have been published separately on the same day. An exception to this rule is made for newspapers, which may be registered with one application and fee, provided the editions or sections were published on the same day.

610 Registering different versions of a work.  
(cont'd)

610.02 Registering different copyrightable versions of a work: published works. (cont'd)

Examples:

- 1) A single application giving a single date of publication is submitted with copyrightably different versions of the same musical composition -- for SSA, SAB, and SATB. If there is no indication that these versions were not first published as a unit, the Copyright Office will register the claims.
- 2) An application giving a single date of publication is submitted with a newspaper, "The Washington Daily," and regional inserts from Prince George's County, Montgomery County, and the District of Columbia. The application and deposit will be considered acceptable.
- 3) An application is submitted with two versions of a newspaper, the Morning Edition and the Late Edition of the "Baltimore Post." Although the editions were published at different times during the day, the application will be considered acceptable.

610.03 Registering different versions of an unpublished work: versions containing uncopyrightable differences. Where two or more unpublished versions of a work contain only uncopyrightable differences, the applicant

610 Registering different versions of a work.  
(cont'd)

610.03 Registering different versions of an unpublished work: versions containing uncopyrightable differences. (cont'd)

may make only one registration. All versions of the work, however, may be included in one deposit.

Example:

An applicant submits three Christmas cards with the same visual and textual content; each card is a different color. Three applications and fees are submitted. The Copyright Office will communicate with the applicant stating that only one registration may be made, but that all versions may be included in a single registration.

610.04 Registering different versions of a published work: versions containing uncopyrightable differences.

- . Where two or more versions containing the same copyrightable content have been published in the same unit, the Copyright Office will make only one registration, including all components.
- . Where the versions have been published separately but at the same time, the Office will register only one claim. In such cases, the applicant should deposit the best edition. See 43 Fed. Reg. 766 and Chapter 800: DEPOSIT FOR REGISTRATION. If none of the published versions can be considered better than the others, the applicant may choose the version he or she wishes to deposit and register.

610

Registering different versions of a work.  
(cont'd)

610.04

Registering different versions of a published work: versions containing uncopyrightable differences. (cont'd)

- . Where the versions have been published separately at different times, the Office will register only one claim. The application should give the date of first publication, and in such cases, the applicant should deposit the best edition. If none of the published versions can be considered better than the others, the applicant may submit whichever version he or she prefers.

Examples:

- 1) An application, filing fee, and identifying material for jewelry designs are received for a published collection of earrings, bracelet, pendant, and pin. All components of the set contain the same copyrightable authorship. The Copyright Office will register the claim as submitted, accepting the set as the unit of publication. See 37 C.F.R. 202.3(b)(3)(A).
- 2) Three applications are submitted with high, medium, and low voice versions of a book of musical selections entitled "Wedding Classics." The date of publication on each application is the same. Since the only difference among the versions is that they are in different keys, the Copyright Office will register only one claim. The appropriate deposit depends on the unit of publication. If the versions were published together, the Copyright Office will accept all the

610

Registering different versions of a work.  
(cont'd)

610.04

Registering different versions of a published work: versions containing uncopyrightable differences. (cont'd)

Examples: (cont'd)

2) (cont'd)

components in making one registration. If they were published separately, the applicant may deposit the version he or she prefers.

3) Separate applications are received for two books of poems. The literary and pictorial content of the books is the same; however, one edition is published in hardcover, while the other edition is paperback. The applications indicate that the hardcover edition was published two months after the paperback edition. Only one claim will be registered. The Copyright Office will use the application giving the first date of publication and the hardcover edition as the best edition as of the date of deposit.

610.05

Registering different versions of an unpublished work: overlapping or duplicate claims in different versions, one version more complete. Where an applicant submits two or more versions of the same unpublished work, separate registrations may be made if the versions contain copyrightable differences. If there are no copyrightable differences, registration will be made for the most complete version, or a single registration may be made for all of the versions, if the conditions for an unpublished collection are

610

Registering different versions of a work.  
(cont'd)

610.05

Registering different versions of an unpublished work: overlapping or duplicate claims in different versions, one version more complete. (cont'd)

met. See section 607.02 above. However, if there are separable types of authorship into which the work may be divided, separate claims may be registered provided the applications clearly define the extent of each claim.

Examples:

- 1) Two versions of an unpublished Kiwanis Song Book with separate applications and fees are submitted, one containing only song lyrics, the other containing the song lyrics set to music. Both versions may be registered with an annotation to the application for the most complete version stating "Song lyrics registered separately."
- 2) Two applications and fees are submitted for an unpublished black and white line drawing and a color version containing the same copyrightable content. The Copyright Office will register only one claim but will include both versions in the deposit for registration.
- 3) Two applications and fees are submitted with two versions of a drama: a two-act version and a three-act version. The two-act work is a registrable abridgment. Both applications will be accepted.

610

Registering different versions of a work.  
(cont'd)

610.06

Registering different versions of a published work: one version more complete. The manner of registering published versions -- where one version embodies the entire copyrightable content of another version and also contains additional copyrightable material -- depends on when the versions were published.

610.06(a)

Registering different versions of a published work: less complete version published first. If the less complete version was published first, both versions may be registered. The claim in the more complete version should cover only the material not previously published, that is, the application should contain a statement limiting the claim.

Example:

A book of photography is submitted with an application giving a publication date of June 2, 1983. The claim is in "Photographs." Another book containing the same photographs and some sketches is submitted at the same time. The application for this work gives the publication date as June 15, 1983. The claim is in "Photographs and drawings." Both claims may be registered. The application for the book containing the photographs alone may be accepted as submitted. The Copyright Office will communicate with the applicant for a limitation of the claim on the application for the later published book.

- 610            Registering different versions of a work.  
(cont'd)
- 610.06            Registering different versions of a published work: one version more complete. (cont'd)
- 610.06(b)            Registering different versions of a published work: more complete version published first. If the more complete version is published first, the less complete version may not be registered; the Copyright Office will not knowingly register a claim in a work where all of the copyrightable content has been previously published.
- Example:
- Separate applications are received for the Teacher's and Student's Edition of a textbook. The Teacher's Edition contains all of the text and pictorial material in the Student's Edition, plus additional instructions, questions, answers, and commentary. The application for the Teacher's Edition gives January 22, 1980 as the publication date. The date of publication for the Student's Edition is February 1, 1980. The Copyright Office will register the Teacher's Edition but will refuse to register the claim in the Student's Edition.
- 610.06(c)            Registering different versions of a published work where one version more complete: versions published at the same time. Where two or more versions are published separately, but at the same time, with one version being more complete, one registration may be made

610 Registering different versions of a work.  
(cont'd)

610.06 Registering different versions of a published work: one version more complete. (cont'd)

610.06(c) Registering different versions of a published work where one version more complete: versions published at the same time. (cont'd)

for the most complete version. If the applicant wishes, and the more complete versions contain additional copyrightable material, separate registrations may be made. In such case, the applications, preferably at the title space, should clearly distinguish the versions from one another.

Examples:

- 1) Separate applications are submitted for two versions of a musical composition that are published on the same day. One version contains music and lyrics in the English language, the other contains Spanish lyrics in addition to the English lyrics and music. Both applications claim in "music and lyrics." The Copyright Office will annotate the application for the Spanish version stating: "English lyrics and music registered separately."
- 2) Separate applications are submitted for two versions of a racetrack program: one, a photograph of "Swale," the 1984 winner of the Kentucky Derby, and another containing that same photograph plus a second photograph depicting his trainer. Both

610 Registering different versions of a work.  
(cont'd)

610.06 Registering different versions of a published work: one version more complete. (cont'd)

610.06(c) Registering different versions of a published work where one version more complete: versions published at the same time. (cont'd)

Examples: (cont'd)

2) (cont'd)

applications will be accepted, but the application for the version containing the two photographs will be annotated: "Authorship in photograph of horse registered separately."

610.07 Registering different versions of a work published at the same time: overlapping versions. Where different versions are published separately but at the same time, and the elements of one version are not completely subsumed in another version, separate registrations may be made without annotating the applications or otherwise limiting the claims.

Example:

Separate applications are submitted for two versions of a book published on the same day: one in English with illustrations, and the other in Swedish, containing the same illustrations. Both applications state: "Text and illustrations" as the basis of claim. The applications will be accepted as submitted.

[Number 611 is reserved.]

- 612            Examining practices in regard to space on application form. The following states the general examining practices for each space on the application form.
- 612.01        General policy: location of information. In general, although the required information should be given in the appropriate space, the Copyright Office will not require a new application where the required information is given elsewhere on the application form or on a "rider." Riders do not remain with the application after the Office has registered the claim. See section 605.03 above.
- 612.02        General policy: minimum standards. The practices stated below represent minimum standards for the acceptance by the Copyright Office of completed applications. The Office will register a claim where it believes the record of facts about the copyright meets these standards. Where an applicant seeks advice from the Office before preparing the application, however, the Office will suggest that the application be completed in such a manner as to put an optimum claim on record. See Chapter 100: BASIC POLICIES, section 109.03(a).
- 612.03        General policy: correspondence to cover all informalities. When it is determined that correspondence is required, the Copyright Office may point out all problems raised by the application or deposit, even if those problems standing alone would not be a sufficient reason to delay registration.

613

Title of the work. The application for copyright registration shall include the title of the work, together with any previous or alternative titles by which the work may be identified. See 17 U.S.C. 409(6). In any case where the Office cannot determine that the application and deposit relate to the same work, the Office will communicate with the applicant.

Examples:

- 1) Title on application: "A History of France"

Deposit: Untitled. (Manuscript appears unrelated to the title.)

The Copyright Office will communicate with the applicant.

- 2) Title on copy: "Davidson's Biology for Preparatory Study"

Title on application: "Poems for Shona and Liletha"

The Copyright Office will communicate with the applicant.

613.01

Title of the work: omitted. Both the application and the deposit material should give the title of the work. In general, where the title is given in the registration materials, but is omitted from the application or deposit, the Copyright Office will add the title where it is missing, except to published printed material. See section 613.01(c) below.

613.01(a)

Title of the work: omitted from application. Where the title is not given on the application but is given in other registration material, the Copyright Office will add the title to the application at the title space with an annotation reading "Added by C.O. from [source]."

- 613            Title of the work. (cont'd)
- 613.01            Title of the work: omitted. (cont'd)
- 613.01(b)            Title of the work: omitted from unpublished deposit. Where the title is not given on the deposit for an unpublished work, but is given on the application, the Copyright Office will add the title to the deposit or to a separate page and attach it to the deposit. The title should be keyed by asterisk to the following annotation: "Added by C.O. from appl." Where space is limited, the Copyright Office will add the title to a sticker or tag and attach it to the deposit. The title should be added in the following form: "[title] \*C.O."
- 613.01(c)            Title of the work: omitted from published deposit. Where the title is omitted from the deposit of a published work, but a title is given on the application, the Copyright Office will annotate the application with a statement: "No title on deposit." Where the work consists of multiple parts, the annotation should include the number of components, title of first component, if available, and such other identifiers, e.g., numbers or letters, as are available. If the deposit is a print or other visual arts material without text, the title can be added lightly in pencil to the reverse of the deposit. If the deposit is identifying material, the title will be added to the deposit by annotation: "[title] \*C.O." or "Added by C.O. from appl."
- 613.01(d)            Title of the work: omitted from application and deposit. In general, where there is no title given for a work on any of the registration materials, the Copyright Office will ask the applicant for

- 613            Title of the work. (cont'd)
- 613.01            Title of the work: omitted. (cont'd)
- 613.01(d)            Title of the work: omitted from applica-  
tion and deposit. (cont'd)
- the title of the work. When this information is received, the Copyright Office will add it to the work or will annotate the application according to the practices described in section 613.01(b) or (c) above. Where the work has been given a nondescriptive title, such as "Untitled," the Copyright Office will accept the application as submitted. See section 613.02 below.
- 613.02            Title of the work: nondescriptive titles.  
For registration purposes, there is no requirement that the title of a work be descriptive. Thus, nondescriptive titles, such as "Untitled," "Print No. 1," or "Study in Black," (for a painting in tones other than black), are acceptable titles. Also, titles consisting solely of letters or numbers, such as "L-1011" and "MX" are acceptable. However, an application whose principal title consists solely of non-alphanumeric characters will not be cataloged under such title. Instead, the work will be cataloged as "nonprintable data."
- 613.03            Title of the work: foreign-language titles.  
A title of a work may be given in a foreign language. Works in foreign languages using the Roman alphabet will be cataloged under their foreign language titles. Other foreign-language titles will be transliterated into the Roman alphabet by the Cataloging Division.

613

Title of the work. (cont'd)

613.04

Title of the work: variances. When partial variances occur between the application and deposit, the Copyright Office may annotate the application if the more complete form of the title is given on the deposit. Where complete variances occur between the title given on the application and on the deposit for a work, but it is clear that the application and deposit are for the same work, the Office will annotate the application to show both titles. Any title variance, including minor typographical errors, will be annotated at the option of the Office. In any case where the Office cannot determine that the application and deposit relate to the same work, the Office will communicate with the applicant.

## Examples:

- 1) Title on copy: "The Quest for Rest Among Insomniacs"

Title on application: "Rest Quest"

The application will be accepted with the full title added by annotation.

- 2) Title on copy: "The Quest for Rest Among Insomniacs"

Title on application: "The Quest for Rest"

The application may be accepted without annotation.

613.04(a)

Variances involving generic titles. Where the title on the deposit adds substantially to the identity of the work and the title given on the application is a generic title, the Copyright Office will add the full title to the application in an annotation.

613 Title of the work. (cont'd)613.04 Title of the work: variances. (cont'd)613.04(a) Variances involving generic titles.  
(cont'd)

## Example:

Title on application: "Ballade"

Title on copy: "Ballade No. 6 in E minor"

The application will be accepted with an annotation.

613.05 Title of the work: unpublished collections. Where a number of selections are being registered as an unpublished collection, the application should give one title for the whole collection, but that title may also be the title of one of the individual selections. Individual titles may be given at the space marked: "Previous or Alternative Titles," or preferably, on the continuation sheet. The application and any continuation sheets form part of the registration records for the work; therefore, the Examiner should forward all such sheets for registration. Individual titles generally are not indexed unless they are later made the subject of a supplementary registration. See Chapter 1500: CORRECTIONS AND AMPLIFICATIONS OF COPYRIGHT OFFICE RECORDS; SUPPLEMENTARY REGISTRATIONS. Where two or more titles are given in the registration materials for an unpublished collection and no single title is designated, the Copyright Office will add an asterisk to the first title on the application and add the following annotation: "Collection indexed under first title."

613

Title of the work. (cont'd)

613.06

Title of the work: contributions to published collections. If one or more individual contributions to a published collection are being registered, as distinguished from the collective work itself, the application should give the individual titles of the contributions being registered, followed by the title of the collection.

## Example:

"'A Song for Malinda' and 'O! Ballou'" in "Ballads for Jazz Singers"

613.06(a)

Title of contributions to published collections: same title as collection. Where the individual title of a contribution and the collective work title are the same, the Copyright Office will not communicate with the applicant unless it is unclear whether the applicant intends to register the individual work or the collective work and registration as either an individual work or a collective work would require correspondence.

## Examples:

- 1) Title on application: "Celebrating You."

Title on phonorecord album: "Celebrating You." The album also contains an individual selection entitled "Celebrating You," along with eight other songs. The author named on the application wrote all songs on the album; two phonorecords are deposited. The application is acceptable without annotation since the Office assumes that the entire collective work is being registered.

- 613                    Title of the work. (cont'd)
- 613.06                Title of the work: contributions to published collections. (cont'd)
- 613.06(a)            Title of contributions to published collections: same title as collection.  
(cont'd)

Examples: (cont'd)

- 2) Title on application: "Lovers and Friends."

Phonorecord title of album: "LOVERS AND FRIENDS" contains an individual selection also entitled "Lovers and Friends." The individual selection is by the author named on the application; other works by different authors are included. One record is deposited. The Copyright Office will annotate the application stating "as contained in LOVERS AND FRIENDS."

- 3) Title on application: "The Pink Giraffe."

Title on collection of plays: THE PINK GIRAFFE. The collection contains a play by that name and four other plays. The author named on the application wrote three plays, including the one entitled "The Pink Giraffe." Different authors wrote the other two plays. Where the other plays by the author named on the application are not excluded from the claim elsewhere on the application, the Copyright Office will communicate with the applicant to determine whether the claim covers only the play entitled "The Pink Giraffe" or whether it also extends to the other two plays by that author.

- 613            Title of the work. (cont'd)
- 613.06            Title of the work: contributions to published collections. (cont'd)
- 613.06(b)            Title of the work: collection title omitted. Where the collection title and the title of the individual work are not the same and the application gives the title of the individual selection being registered but does not give the title of the collection, the application is acceptable without annotation.
- 613.06(c)            Title of the work: completion of "Publication as a Contribution" space. Where the application contains a space marked "Publication as a Contribution" and the application omits information about the collective work, the Copyright Office will add the missing information by annotation except where the work being registered is an advertisement. See section 613.06(d) below. Where the work being registered is clearly a contribution to a collective work, but neither the application nor the deposit copy includes information about the collective work, the Office may request that information.
- NOTE: A space for "Publication as a Contribution" is included on Forms VA and TX. See also Form SE.
- 613.06(d)            Title of the work: completion of collective work information where advertisement is being registered. Where the work being registered is an advertisement, but the "Publication as a Contribution" space is not completed, the application is acceptable without annotation.

- 613            Title of the work. (cont'd)
- 613.06            Title of the work: contributions to published collections. (cont'd)
- 613.06(e)            Title of the work: variance in collective work information. Where the "Publication as a Contribution" space contains publication information that varies entirely from the information on the deposit, the application is acceptable without annotation if the deposit conforms with the requirement of the "best edition" and this edition contains the same copyrightable content as that in which the work was first published. Where there is a partial variance between the application and deposit such as between issue or volume number, or page numbers, on which the contribution appears, the Copyright Office will annotate the application.
- 613.07            Title of the work: previous or alternative titles. Previous or alternative titles serve as additional means of identifying the work being registered. These titles may also assist in accounting for variances between the title on the deposit and the title given in the title space on the application. The "Previous or Alternative Titles" space on the application refers to the work being registered rather than to any other version of the work. If, however, someone searching for a registration might be likely to look under titles of other versions, they may appropriately be listed in that space. In any event, the Copyright Office will not initiate correspondence with the applicant regarding these titles.
- NOTE: A space for previous or alternative titles is not included on all forms.

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Nature-of-work space. Forms PA and VA contain a nature-of-work space. This space should give a description of the general nature and character of the work being registered. A description of the physical form of the work is generally acceptable. Ordinarily, the Copyright Office will not consider the omission or incorrect completion of information in the nature-of-work space as a reason, in itself, for communicating with the applicant. The nature-of-work statement may be considered an adequate statement of the basis of the claim where the authorship space is blank or the statement of authorship is not specific. See sections 619 and 626 below. Examples of acceptable nature-of-work statements:

- |                            |                            |
|----------------------------|----------------------------|
| 1) <u>PA Applications:</u> | 2) <u>VA Applications:</u> |
| "Audiovisual work"         | "Charcoal drawing"         |
| "Choreography"             | "Etching"                  |
| "Drama"                    | "Fabric design"            |
| "Motion Picture"           | "Jewelry design"           |
| "Music"                    | "Map"                      |
| "Song lyrics"              | "Oil painting"             |
|                            | "Photograph"               |
|                            | "Sculpture"                |
|                            | "Technical drawing"        |

614.01

Nature-of-work space: both nature-of-work and nature-of-authorship statements omitted. Where both the nature-of-work and the nature-of-authorship statements are non-descriptive or are omitted altogether, but the extent of the claim is clear, the Copyright Office will annotate the nature-of-work space and describe the deposit.

Examples of annotations:

- 1) "Deposit contains artwork."
- 2) "Lyrics and music deposited."
- 3) "Deposit consists of identifying material for soft sculpture."

- 614            Nature-of-work space. (cont'd)
- 614.01        Nature-of-work space: both nature-of-work and nature-of-authorship statements omitted.  
(cont'd)
- 614.01(a)     Nature-of-work and nature-of-authorship statements omitted: claim unclear. Where the nature of work and the nature of authorship statements are omitted from the application, or where the statements are nondescriptive, and the extent of the claim is not clear from the deposit, the Copyright Office will communicate with the applicant.
- Example:
- An application Form VA gives no nature-of-work statement and the nature-of-authorship statement is "Entire work." The deposit is a drawing of a three-dimensional useful article. Because it is not clear from the application and deposit whether the drawing is the subject of the claim or whether it is identifying material for the useful article, the Office will communicate with the applicant.
- 614.02        Nature-of-work space: elements not contained in deposit. The nature-of-work statement on the application should refer only to elements contained in the deposit. Where the nature-of-work statement describes copyrightable material that is not included in the deposit and it appears clear that a claim is asserted in the missing material, the Copyright Office will communicate with the applicant. Where the terms used to describe the nature of the work broadly imply the presence of elements not contained in the deposit, but the extent of the claim is clear from statements elsewhere on the application, the application

614

Nature-of-work space. (cont'd)

614.02

Nature-of-work space: elements not contained in deposit. (cont'd)

will be accepted. Where the nature-of-work statement refers to a future use of the work, rather than accurately describing the work being registered, but the claim is described elsewhere, the application is acceptable, generally, without annotation. In such cases, the Office will annotate only if the nature-of-work statement clearly raises a question concerning the nature of the work being registered.

## Examples:

- 1) Nature-of-work statement: "Music and lyrics"

Nature of authorship: "Entire work"

Deposit: lyrics only

The Copyright Office will communicate with the applicant unless the claim is limited elsewhere on the application.

- 2) Nature of work: Dramatico-musical

Nature of authorship: Book and lyrics

The application is acceptable.

- 3) Nature of work: "Dramatico-musical"

Nature of authorship: "Space left blank"

Deposit: Book and lyrics

The Office will annotate the application: "Book and lyrics deposited."

614 Nature-of-work space. (cont'd)614.02 Nature-of-work space: elements not contained in deposit. (cont'd)

Examples: (cont'd)

4) Nature of work: "Motion picture"

Nature of authorship: "Screenplay"

Deposit: Screenplay in textual form

The Office will annotate the application as follows: "Deposit contains screenplay in textual form."

614.03 Nature-of-work space: reference to uncopyrightable elements. Where the nature-of-work statement on the application refers to elements that are not within the subject of copyright, as listed in 17 U.S.C. 102(b) or 37 C.F.R. 202.1, but the claim is appropriately stated elsewhere, the Copyright Office will annotate the application to make it clear that copyright does not extend to the uncopyrightable matter. In general, it will not correspond with the applicant where there is an error in describing the kind of work being registered if the claim to copyright is clear.

Examples:

1) Nature of work: "drill press concept"

Nature of authorship: "technical drawing"

The Copyright Office will annotate the application with a statement reading: "Concepts not copyrightable. 17 U.S.C. 102(b)."

- 614            Nature-of-work space. (cont'd)
- 614.03            Nature-of-work space: reference to uncopy-  
rightable elements. (cont'd)
- Examples: (cont'd)
- 2) Nature of work: "cartoon character"
- Nature of authorship: "cartoon drawing"
- The application is acceptable.
- 615            Name of author. The application shall include, except in the case of an anonymous or pseudonymous work, the name of the author or authors. See 17 U.S.C. 409(2). In general, the name of each author should be given in a separate block on the application. Where the application names two or more authors in the same block, the application will be accepted if sufficient information is given about each author. See section 615.04(d)(3) below.
- 615.01            Name of author: anonymous and pseudonymous works. An "anonymous work" is a work on the copies or phonorecords of which no natural person is identified as author. A "pseudonymous work" is a work on the copies or phonorecords of which the author is identified under a fictitious name. See 17 U.S.C. 101. In general, the Copyright Office will not correspond with the applicant about the failure to complete the anonymous or pseudonymous questions on the application in an appropriate manner unless there is an unresolvable variance in authorship statements.
- 615.01(a)            Name of author: anonymous works -- completing the space. Where a work is anonymous, the applicant may: 1) leave the name-of-author space blank on the application, and check the appropriate box, 2) state "anonymous," or 3) reveal the author's identity.

- 615            Name of author. (cont'd)
- 615.01            Name of author: anonymous and pseudonymous works. (cont'd)
- 615.01(b)            Name of author: pseudonymous works -- completing the space. Where a work is pseudonymous, the applicant may: 1) leave the name-of-author space blank on the application and check the pseudonymous box: "Yes," 2) give the pseudonym and identify it as such, or 3) give the author's legal name, preferably making clear which is the real name and which is the pseudonym, as for example: "Judith Barton, whose pseudonym is Madeline Elster." See 17 U.S.C. 302(c).
- 615.02            Name of author: performing group designated by a single fictitious name. Where the name of a performing group is given on the copy or phonorecord, that group may be named as the author. Where such a group name is designated on the application as a pseudonym, the Copyright Office will not question whether the name identifies all members of the group nor question whether each member contributed copyrightable authorship to the work. If, however, there is any indication that each and every member of the group did not contribute copyrightable authorship, the Office will request the names of individual authors who did contribute copyrightable authorship. Where the name of the author designates an organization for which the work was made for hire, the pseudonymous status is not applicable. Instead, the work-made-for-hire question on the application should be answered: "Yes." See sections 615.01 above and 615.05 below.

615 Name of author. (cont'd)615.02 Name of author: performing group designated by a single fictitious name. (cont'd)

## Example:

An application Form SR is submitted to register a claim in "performance." The author is named as "The Mighty Five" on the application and the phonorecords. The pseudonymous question is answered: "Yes." The Copyright Office will consider the application acceptable. However, a different result occurs where an application Form VA is received for a logo consisting of substantial pictorial authorship, and the name given as author on the application and on the copy is: "National Telephone and Telegraph Company." Although the name does not appear to be that of a performing group, the pseudonymous question is answered: "Yes," and the "work for hire" statement is blank. In this case, the application will be questioned.

615.03 Name of author: identity of the author. Where a work is made for hire, the employer or other person for whom the work was prepared is considered the "author." In all other cases, the individual who actually contributes the copyrightable material is the author. Thus, for registration purposes, these two categories constitute the entire range of authors.

615.04 Name of author: works made for hire. If the work is made for hire, the application should contain a statement to that effect. See 17 U.S.C. 409(4). A work is made for hire if it is: (1) prepared by an employee within the scope of his or her employment, or (2) specially ordered or commissioned as specified in the statute, but only if there is a written agreement to consider it a "work

615 Name of author. (cont'd)615.04 Name of author: works made for hire.  
(cont'd)

made for hire." See 17 U.S.C. 101 and section 615.05(c) below. The applicant, not the Copyright Office, determines whether a work is made for hire. Where the facts presented do not appear to be consistent with the statutory definition, however, the Office will communicate with the applicant.

615.04(a) Works made for hire: employer-employee relationships. The Copyright Office will not require confirmation that a standard employer-employee relationship exists. In general, the Office will not question an application where it appears that an unpaid volunteer contributed to a work made for hire.

## Examples:

- 1) An application naming Faith Church as an author of "sound recording performance" states that the work was made for hire. In an accompanying letter, the applicant states that the sound recording performance was by unpaid choir members. The application is acceptable.
- 2) An application Form SE for a scholarly journal names the journal as author of editing. The Copyright Office is informed that the editor contributed authorship on behalf of the journal on a volunteer basis. The Office will register the claim as submitted.

615 Name of author. (cont'd)615.04 Name of author: works made for hire.  
(cont'd)

615.04(b) Works made for hire: within the scope of duties. Questions may arise whether the employee performed the work within the scope of his or her duties. In such cases, the Copyright Office will ordinarily accept the applicant's assertion. Where the applicant seeks advice from the Office, it will suggest that factors to be considered include the intended agreement between the employer and employee, and the custom and usage in the particular trade involved.

615.04(c) Works made for hire: specially ordered or commissioned works. The statute designates nine categories of specially ordered or commissioned works that can be considered works made for hire:

- 1) A contribution to a collective work;
- 2) A part of a motion picture or other audiovisual work;
- 3) A translation;
- 4) A compilation;
- 5) An instructional text defined as a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities;
- 6) A test;
- 7) Answer material for a test;
- 8) An atlas;

- 615                    Name of author. (cont'd)
- 615.04                Name of author: works made for hire.  
(cont'd)
- 615.04(c)            Works made for hire: specially ordered or  
commissioned works. (cont'd)
- 9) A supplementary work, defined as a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other works, such as forewords, afterwords, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes.
- 615.04(c)(1)        Specially ordered or commissioned  
works: not within designated cate-  
gories. Where the Office has knowledge that a work was specially ordered or commissioned but the work does not appear to be within the nine categories of works listed above, the application will be questioned.
- 615.04(c)(2)        Specially ordered or commissioned  
works: written agreement. For a specially ordered or commissioned work to be considered a work made for hire, the statute requires an agreement signed by both parties stating that the work is to be considered a work made for hire. In general, however, the Copyright Office will not ask the applicant to specify whether a particular work was commissioned or was created by an

- 615            Name of author. (cont'd)
- 615.04            Name of author: works made for hire.  
(cont'd)
- 615.04(c)            Works made for hire: specially ordered or  
commissioned works. (cont'd)
- 615.04(c)(2)            Specially ordered or commissioned  
works: written agreement. (cont'd)
- employee, nor will it, when it is clear that the work is specially ordered or commissioned, ask the applicant to verify the existence of a written agreement.
- 615.04(d)            Works made for hire: general practices.  
The following are general practices relating to the work-made-for-hire question on the application.
- 615.04(d)(1)            General practices: organization named  
as author. Works authored by an organization are necessarily created by employees or commissioned parties; therefore, whenever an organization is the author, the applicant should answer "Yes" to the "for-hire" question. If the application indicates that such a work is not made for hire, the Copyright Office will communicate with the applicant.
- Examples:
- 1) The application names the author as "XYZ Corporation," and the work-made-for-hire question is answered: "No." The application is not acceptable.
  - 2) The application names "XYZ Corporation" as the author. The work-made-for-hire question is

- 615                    Name of author. (cont'd)
- 615.04                Name of author: works made for hire.  
(cont'd)
- 615.04(d)            Works made for hire: general practices.  
(cont'd)
- 615.04(d)(1)        General practices: organization named  
as author. (cont'd)
- Examples: (cont'd)
- 2) (cont'd)
- not answered. The application will be accepted as submitted on the assumption that the work is made for hire. NOTE: This practice pertains only to corporations. Applications for noncorporate organizations will be questioned to clarify whether the name of the author is correct.
- 615.04(d)(2)        General practices: individual named  
as author. Where an applicant names an individual as author and does not answer the work-made-for-hire question, the application will be accepted on the assumption that the named individual created the work in his or her own right. Where the applicant answers "Yes" to the "for-hire" question and the named author appears to be a natural person (rather than an organization), the Copyright Office will communicate with the applicant only if such a relationship seems unlikely according to the information presented by the registration materials.

615 Name of author. (cont'd)615.04 Name of author: works made for hire.  
(cont'd)615.04(d) Works made for hire: general practices.  
(cont'd)615.04(d)(2) General practices: individual named  
as author. (cont'd)

## Examples:

- 1) Individual is named as producer of motion picture, and the work-made-for-hire question is answered: "Yes." The Copyright Office will accept the assertion without question.
- 2) An application for a drama names Sue Smith as author of a work for hire. The Copyright Office may ask the applicant whether Ms. Smith created the work in her own right or was the employer or other person for whom the work was made for hire. If, after such inquiry, the applicant indicates that she is the employee, the Office will request a new application naming the correct author.

615.04(d)(3) General practices: individual and  
unincorporated business organization  
named as authors. The application should name only one entity in any particular authorship block. However, where an individual and an apparently unincorporated business association are named in the same block and it seems likely that the organization is merely a trade name

- 615                    Name of author. (cont'd)
- 615.04                Name of author: works made for hire.  
(cont'd)
- 615.04(d)             Works made for hire: general practices.  
(cont'd)
- 615.04(d)(3)         General practices: individual and  
unincorporated business organization  
named as authors. (cont'd)

or other assumed name of the individual, the application will be accepted. The Copyright Office will consider the individual and the non-corporate organization as the same legal entity where the relationship is stated in the registration materials, or where the individual and organization are related by name. Where any organization, however, corporate or not, as distinguished from a person using an assumed name, is clearly the author, but the applicant answers: "No" to the work-for-hire statement, the application will be questioned.

Examples:

- 1) The application names as author "Pamela Bethel, doing business as Patti Bell Music." No answer is given to the work-made-for-hire question. The application will be accepted.
- 2) The application names as author "Jane Smith, trading as Acme Company." The work-made-for-hire question is answered: "No." The application will be accepted on the assumption that Jane Smith is an individual author in her own right.

- 615            Name of author. (cont'd)
- 615.04            Name of author: works made for hire.  
(cont'd)
- 615.04(d)            Works made for hire: general practices.  
(cont'd)
- 615.04(d)(3)            General practices: individual and unincorporated business organization named as author. (cont'd)
- Examples: (cont'd)
- 3) An application names as author "Associated Advertisers (Virginia McDonald)" on the same line in the authorship space. The work-for-hire question is not answered. The application will be questioned.
- 615.04(d)(4)            General practices: individuals and incorporated organizations named as authors. Where an application names as author an individual in combination with an incorporated organization, the Copyright Office will not consider the organization to be an assumed or trade name of the individual. Instead, it will consider the individual and the organization as separate entities. Therefore, if the application does not make clear the identity of the author or whether or not the work is made for hire, the Office will communicate with the applicant. On the other hand, where it is clear that the organization is the author and that the relationship between the individual and the organization is merely descriptive, the application will not be questioned.

- 615                    Name of author. (cont'd)
- 615.04                Name of author: works made for hire.  
(cont'd)
- 615.04(d)            Works made for hire: general practices.  
(cont'd)
- 615.04(d)(4)        General practices: individuals and  
incorporated organizations named as  
authors. (cont'd)
- Example:
- An application names as author  
"Richard Smith, doing business as  
Smith Publishing Company, Inc."  
Regardless of how the work-for-  
hire question is answered, for  
registration purposes, the  
Copyright Office does not  
consider these two names to  
represent a single entity. The  
Office will communicate with the  
applicant to clarify both whether  
the work was made for hire and  
whether the author is Mr. Smith  
or the Smith Publishing Company,  
Inc.
- 615.04(e)            General practices: song service organi-  
zations. The following practices re-  
lating to works made for hire apply to  
works by song service organizations.
- 615.04(e)(1)        Song service organizations: defined.  
Although song service organizations  
may offer a variety of music related  
services -- "vanity publishing,"  
"ghost writing," composing music and  
lyrics -- the primary business of  
these organizations appears to be  
providing music for song lyrics

- 615            Name of author. (cont'd)
- 615.04            Name of author: works made for hire.  
(cont'd)
- 615.04(e)            General practices: song service organi-  
zations. (cont'd)
- 615.04(e)(1)            Song service organizations: defined.  
(cont'd)
- written by individuals. The lyricists pay a fee for the service. They may be offered a choice of musical settings, but usually there is no collaboration between the lyricist and the organization's staff composer.
- 615.04(e)(2)            Song service organizations: prac-  
tices. Because these organizations usually maintain that the music provided by their staff is made for hire on behalf of the lyricist and not on behalf of the organization itself, the Copyright Office will not question statements on the application naming the individual as the author for whom music or both words and music were prepared for hire. See sections 623 and 619.08 below.
- Examples:
- 1) The application names "Jane Doe" as individual author of "words." The work-made-for-hire question in this block is not answered. In a separate block, "Jane Doe" is named as author of "music," and the "work-made-for-hire" question in this block is checked: "Yes." The application will be accepted.

- 615            Name of author. (cont'd)
- 615.04            Name of author: works made for hire.  
(cont'd)
- 615.04(e)            General practices: song service organi-  
zations. (cont'd)
- 615.04(e)(2)            Song service organizations: prac-  
tices. (cont'd)
- Examples: (cont'd)
- 2) The application names Jane Doe as author of "words and music." The work-made-for-hire question is checked: "Yes." The application will be accepted.
- 615.05            Name of author: separate or independent works. Individual contributions embodied in one unit may constitute separate and independent works. In such cases, an application is acceptable even if it accounts for only one separate contribution. See section 609.02 above.
- Examples:
- 1) A published reproduction of a work of art is deposited with an application. The name of the author of the reproduction is given, but the author of the original painting is not named. The application will be accepted.
- 2) An application Form TX claiming in "poems" is received for a book of poems containing substantial artwork; the illustrator is not named on the application. The Copyright Office will accept the application as submitted on the assumption that the contributions of the poet and the illustrator are separate and independent works.

615 Name of author. (cont'd)

- 615.06 Name of author: collective work authorship. A "collective work" is a work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole. See 17 U.S.C. 101. Where a collective work is being registered, the application should name the author of the collective work. The names of the individual authors of separate contributions being registered as part of the claim need not be given on the application. The registration may cover (a) the collective work authorship, (b) any contribution created by the employee or other party commissioned by the author of a work made for hire, and (c) any other contributions that the claimant of the collective work obtained by transfer.
- 615.07 Name of the author: form of name. If the work is not anonymous or pseudonymous, the author's full legal name should be given; the Copyright Office will not communicate with the applicant, however, if the author's full name is not given. If a fuller form of the author's name is given on the deposit material, the Office may add that information to the application by annotation. Where the work is made for hire, the name of the employer or other person for whom the work was prepared must be given as author. Stating the name of the employee or commissioned party on the application is optional, but where it is included, his or her status should be clearly indicated, for example: "Freemont Enterprises, Inc., employer of L.B. Jeffries."
- 615.07(a) Name of author: when required. Generally, an application for a work that is not anonymous or pseudonymous should give the name of the author. See section

- 615            Name of author. (cont'd)
- 615.07            Name of author: form of name. (cont'd)
- 615.07(a)            Name of author: when required. (cont'd)
- 615.02 above. Where a derivative work is being registered, the name of the author of the derivative material should be given. The name of the author of the material on which the derivative work is based is not required.
- 615.07(b)            Name of author: omissions. Where the application does not indicate that the work is anonymous and omits the author's name, and the name is not evident anywhere in the registration materials, the application will be questioned.
- 615.07(b)(1)            Work by one author. Where an application for a work by one author omits the name of the author, but the author's name appears elsewhere in the registration materials, the application will be annotated. It should be noted that this practice does not apply to anonymous or pseudonymous works or to works made for hire. See sections 615.01 and 615.02 above.
- 615.07(b)(2)            Work by two or more authors. Where an application for a work by more than one author omits an author's name, the application will ordinarily be questioned, even though the authors are named in other registration materials, unless the nature of each author's contribution (included in the claim) is evident.
- 615.07(b)(3)            Work by a large number of authors. If the work being registered was created by a large number of authors, the application will be considered

- 615            Name of author. (cont'd)
- 615.07            Name of the author: form of name. (cont'd)
- 615.07(b)            Name of author: omissions. (cont'd)
- 615.07(b)(3)            Work by a large number of authors.  
(cont'd)

acceptable if it names at least three of those authors, followed by a statement such as "and [number] others." The Office prefers, however, that the application name all authors, using as many continuation sheets as necessary.

See sections 619.03 and 619.04 below.

Examples:

- 1) An application for a novel gives as the nature of authorship "Text." The name of the author is not given and there is no indication that the work is anonymous or pseudonymous. The copies of the work name Raymond Cudloe as author. The Copyright Office will annotate the application and register the claim.
- 2) An application for a musical work names "Samuel Smith" in the first block as author of the words. In the second block, the application names no author, but gives the author's contribution as "Music." The copies of the music state "By Samuel Smith and John Franklin." The application will be annotated.

- 615                    Name of author. (cont'd)
- 615.07                Name of the author: form of name. (cont'd)
- 615.07(b)            Name of author: omissions. (cont'd)
- 615.07(b)(3)        Work by a large number of authors.  
(cont'd)
- Examples: (cont'd)
- 3) An application Form VA is submitted naming two authors but giving "sculptural bas-relief" as a nature-of-authorship statement for only one. The nature-of-authorship statement for the second author is blank. The deposit consists of identifying material for a drinking glass containing sculptural authorship separate and apart from the shape of the glass. Because it is not clear that the second author contributed copyrightable authorship, the Copyright Office will communicate with the applicant to ascertain that author's contribution.
- 4) A choreographic work is submitted with an application naming as authors three of 17 choreographers named as authors in the credits of the motion picture deposited to register the choreographic work. After the third author's name, the application states: "and 14 others." The application is acceptable.
- 615.07(c)            Name of author: variances between application and other registration material.  
Generally, authorship information on the

- 615            Name of author. (cont'd)
- 615.07            Name of the author: form of name. (cont'd)
- 615.07(c)            Name of author: variances between appli-  
cation and other registration material.  
(cont'd)

application and the deposit material should be consistent, although strict agreement is not required. Ordinarily, the Copyright Office will communicate with the applicant about variances only where variances between the authorship statement on the application and other deposit material are substantially inconsistent.

Examples:

- 1) Author on application: Joe Graziella; author on copy: Joltin' Joe. The application is acceptable.
- 2) Authors on application: Francis Keyes and Sandra Booze; author on copy of two-part manuscript of a textbook: Part I by Francis Keyes. The application is acceptable; the statement on the copy does not purport to account for the entire work.
- 3) Names of authors on application: Fig Arrow and Cozy Phantuti. Audiovisual work consists of booklet and filmstrip; script states "written by Cozy Phantuti;" filmstrip names no author; The Barber Company is named in the notice of copyright on the filmstrip. The application is acceptable, since the law does not require that the author be named on the copies or phonorecords of the work. See also section 626 below.

615 Name of author. (cont'd)615.07 Name of the author: form of name. (cont'd)615.07(c) Name of author: variances between application and other registration material.  
(cont'd)

Examples: (cont'd)

- 4) An application names Edward Jackson as author. The copy of the published novel names Edward Jackson and Joan Jackson as authors, further describing Joan Jackson as the creator of the layout of the book. Since the creator of uncopyrightable material should not be named, the application is acceptable as submitted.
- 5) A phonorecord states: "Words by Sue Smith and music by Mack Jones." The application states: "Words and music by Mack Jones." There is no indication that the work is a derivative work or that any part of the work was made for hire. The Copyright Office will communicate with the applicant.

615.07(d) Name of author: authorship not part of claim. If an author's name is omitted from an application, and it is not clear that the material contributed by that author is included in the claim, the application, if otherwise acceptable, will not be questioned.

Examples:

- 1) An application names the author of a novel. The novel names another individual as illustrator. The Copyright Office will not ask the applicant to include the name of the illustrator on the application.

- 615                    Name of author. (cont'd)
- 615.07                Name of the author: form of name. (cont'd)
- 615.07(d)            Name of author: authorship not part of claim. (cont'd)
- Examples: (cont'd)
- 2) A unit of publication contains three one-act plays by different authors. From the title and the claimant spaces on the application, it is clear that the claim extends to only one of the plays. The application naming the author of that play is acceptable.
  - 3) An application is submitted for a contribution to a collective work, naming only the author of the contribution. The application is acceptable.
- 615.07(e)            Name of author: authorship is insubstantial. Where an author's name is omitted from an application and it appears likely that the material contributed by that author would constitute an insubstantial part of the claim, the application, if otherwise acceptable, will not be questioned.
- Examples:
- 1) An application names "Arthur Aye, author of words and music;" the lead sheet states: "words and music by Arthur Aye, arrangement by Grady Bea." The arrangement consists of registrable chord symbols. The Copyright Office will not communicate with the applicant for the name of the arranger.

615

Name of author. (cont'd)

615.07

Name of the author: form of name. (cont'd)

615.07(e)

Name of author: authorship is insubstantial. (cont'd)

Examples: (cont'd)

- 2) An application names "Arthur Aye" as author of "music;" the folio states: "Music by Arthur Aye, arrangement by Grady Bea." The arrangement is a substantial jazz band arrangement. The Copyright Office may communicate with the applicant for the name of the arranger.
- 3) A sound recording is submitted with an application Form SR naming only some of the performers. The claim is in "performance." The application will be accepted if the principal performers appear to be named.
- 4) A sound recording is submitted with an application Form SR naming only one sound engineer. The claim is "sound recording." Other engineers are named on the phonorecord. The application will be accepted as submitted.
- 5) An unpublished collection of twelve musical selections, meeting the common authorship requirements, names four authors, one of whom co-authored one song. The application omits that author's name, although it names the other authors and their contributions. The application will be accepted.

615 Name of author. (cont'd)

615.08 Name of author: when authorship is determined. For registration purposes, the author is determined when the work is created. This practice has particular implications for works made for hire.

## Example:

An application is submitted by a company naming itself as the author and claimant. An accompanying letter explains that this company acquired the interest of a predecessor company. The Copyright Office will request that the author be named as the organization for which the work was created, even if that organization no longer exists at the time the application is submitted.

NOTE: Whether a "for-hire" relationship exists is determined by the relevant facts at the time of creation of the work. Ordinarily, any written agreement establishing the "for-hire" relationship must be executed on or before the date of creation.

616 Dates of birth and death. The spaces on the application designated for dates of birth and death should be completed only if the contribution to the work is not made for hire. However, if such information is given on the application for a work made for hire, ordinarily the application will not be questioned.

616.01 Date of birth. In cases where the author is a natural person, a birth date may be useful information as a form of identification, but it is not required on the application. Ordinarily, the Copyright Office will not communicate with the applicant about a birth date.

616

Dates of birth and death. (cont'd)

616.02

Date of death. If one or more of the authors is dead, the application should include the date or dates of death. See 17 U.S.C. 409(2). Where the Copyright Office has information that the author is deceased and the year of the author's death is omitted from the application, the application will be questioned if this information may determine the term of copyright. If the exact year of death cannot be determined, the Office will accept the applicant's best estimate, qualified by "on or about," "approximately," or the like.

617

Government works. The following are the principles relating to the registrability of government works.

617.01

United States Government works. Except for the works dealt with in section 617.01(a) below, an application will be questioned if it names as author of a work the United States Government, any of its agencies, officers, or employees, in their official capacity. Since works prepared by officers or employees of the U.S. Government as part of their official duties are not protected under the U.S. copyright law, the Copyright Office will refuse to make registration for such material. See also section 206.02 of Chapter 200: COPYRIGHTABLE MATTER - IN GENERAL.

Examples:

- 1) Where the subject of the work is military defense and the author is identified as a Department of Defense employee, the claim will be questioned even if the claimant is a private publisher and the work was privately printed.

617

Government works. (cont'd)

617.01

United States Government works. (cont'd)

## Examples: (cont'd)

- 2) Registration will not be refused for a motion picture created by the employees of a motion picture company even though the film was financed by a U.S. Government agency and the copyright transferred to the agency.
- 3) Registration will not be refused for a work written by a U.S. Government official in his or her private capacity.
- 4) Registration will not be refused for a work prepared by officers or employees of the U.S. Postal Service since that organization, as presently constituted, is not considered to be a U.S. Government agency. See section 106.02(b) of Chapter 200: COPYRIGHTABLE MATTER - IN GENERAL.
- 5) Registration will not be refused for a work prepared by an officer or employee of the Smithsonian Institution, if such person was paid from the Smithsonian trust fund.

617.01(a)

United States Government works: Standard Reference Data Act. The Copyright Office can make registration under the Standard Reference Data Act, 15 U.S.C. 290e, where the Secretary of Commerce is named as author or proprietor of any standard reference data that the Secretary prepares or makes available under that Act.

617 Government works. (cont'd)617.01 United States Government works. (cont'd)617.01(a) United States Government works: Standard Reference Data Act. (cont'd)

## Example:

An application received for a work of standard reference data names the author as "The Secretary of Commerce," and is accompanied by a letter indicating that the material is submitted for registration under the Standard Reference Data Act. The Copyright Office will annotate the application, "Claim authorized by Standard Reference Data Act," key the annotation to the authorship space, and register the claim.

617.02 Government works: edicts of government. An application will be questioned if the claim appears to extend to any edict of government, such as judicial opinions, administrative rulings, legislative enactments, public ordinances, and similar legal documents, whether Federal, State, local, or foreign, since such materials are not copyrightable for reasons of public policy. See also section 206.01 of Chapter 200: COPYRIGHTABLE MATTER - IN GENERAL.

## Example:

Application is submitted for registration of a work consisting entirely of a State statute. Registration will be refused.

617.03 Government works: copyrightable government works. Government works other than those specified above as uncopyrightable are subject to registration if they are otherwise

617 Government works. (cont'd)617.03 Government works: copyrightable government works. (cont'd)

copyrightable. See also section 206.03 of Chapter 200: COPYRIGHTABLE MATTER - IN GENERAL.

## Examples:

- 1) Registration can be made for a magazine for tourists published by the State of Arizona and written by State employees.
- 2) A map of a U.S. city created by the employees of the transportation department of the city government is registrable.
- 3) A publication of a foreign government written by its employees which consists of descriptions of the wines of the country is registrable.

617.04 Government works: copyrightable elements combined with uncopyrightable government works. Registration can be made for works in which copyrightable elements are combined with uncopyrightable government material, but the claim cannot extend to the uncopyrightable material. The application should give an appropriate disclaimer or limitation of claim.

## Examples:

- 1) Registration can be made for an annotated compilation of the statutes of a State done by a private publishing firm, but the claim cannot extend to the statutes themselves.

617 Government works. (cont'd)617.04 Government works: copyrightable elements combined with uncopyrightable government works. (cont'd)

Examples: (cont'd)

- 2) Registration may be made for a translation into English of the statutes of a foreign country that are in a language other than English, but the claim cannot extend to the statutes themselves as written in the original language.

618 Author's nationality or domicile. The application should include the nationality or domicile of the author regardless of whether the work is anonymous or pseudonymous, by a natural person or by some other legal entity. See 17 U.S.C. 409(2) and (3). Where a work is created by more than one author, the application should give the nationality or domicile for at least one author. However, where the nationality or domicile of the author of an unpublished work is not given on the application, the application will not be questioned. See 17 U.S.C. 104(a). Where a published work is being registered, and the author's nationality or domicile is not given, the application will be questioned if, by reason of national origin, the work does not appear to be eligible for registration. See 17 U.S.C. 104(b). See also Chapter 1100: ELIGIBILITY.

618.01 Author's nationality or domicile: corporations. Where the author is a corporation, the country under the laws of which it was created may be given as its "nationality." Such an organization may give the country of its principal place of business as its domicile. See Chapter 1100: ELIGIBILITY, and Chapter 200: COPYRIGHTABLE MATTER - IN GENERAL, sections 205 and 206.

- 618            Author's nationality or domicile. (cont'd)
- 618.02            Author's nationality or domicile: works published under 1909 Copyright Act. With respect to eligibility for registration, works published before 1978 are governed by the law in effect at the time of first publication. Both citizenship and domicile may be required to determine the eligibility of such works. See the complete discussion of this topic in Compendium I.
- 619            Nature-of-authorship statement. In general, the nature of authorship defines the scope of the registration; therefore, it represents an important copyright fact.
- 619.01            Nature-of-authorship statement: location on application. The nature-of-authorship statement on an application should be given at the block designated "Author of," or "Nature of Authorship." In cases where the nature of an author's contribution is indicated elsewhere on the application, the application will be accepted if the extent of the claim is clear. See section 626.03(a) below.
- 619.02            Nature of authorship: appropriate description. The nature-of-authorship statement is a brief general statement of the nature of the author's contribution to the work. In general, the author's contribution may be described in terms of the categories specified in the copyright law, including: non-dramatic literary work, musical work, musical work with words, dramatic work, dramatic work with music, pantomime, choreographic work, pictorial, graphic, and sculptural work, audiovisual work (including a motion picture), or a sound recording. Other acceptable descriptive terms are: computer program, book, periodical, lecture, sermon, map, work of art, reproduction of a work of

619 Nature-of-authorship statement. (cont'd)619.02 Nature of authorship: appropriate description. (cont'd)

art, technical drawing, print, and label for advertising. Where the Copyright Office can ascertain the nature of authorship from a physical description of the material object in which the work is embodied, such descriptions will be acceptable, e.g., newspaper, cartoon, model, globe, chart, film, puppet, hologram. See Chapter 500: COPYRIGHTABLE MATTER - PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS, Chapter 300: COPYRIGHTABLE MATTER - NONDRAMATIC LITERARY WORKS, and Chapter 400: COPYRIGHTABLE MATTER - WORKS OF THE PERFORMING ARTS AND SOUND RECORDINGS. Other appropriate descriptions include --

Class VA:

artwork  
 cartographic work  
 drawing  
 fabric design  
 greeting card artwork  
 illustration  
 jewelry design  
 lithography  
 oil painting  
 photograph  
 reproduction of  
     work of art  
 sculpture  
 soft sculpture  
 technical drawing

Class TX:

collective work  
 compilation  
 data base  
 instructions  
 magazine article  
 novel  
 poetry  
 text

619

Nature-of-authorship statement. (cont'd)

619.02

Nature of authorship: appropriate description. (cont'd)Class PA  
(In general):dance  
drama  
instrumental music  
music and lyrics  
play  
sermon  
song lyricsClass PA  
(Multimedia kits):filmstrip  
illustrations  
printed text  
recorded text  
sounds  
workbookClass PA (Motion pictures and motion picture components):cinematic work  
cinematography  
entire work  
music  
narration  
screenplay  
script  
sound trackClass SR  
(In general):performance  
sound recording  
sound recording  
engineeringClass SR (Multi-media kits without a visual element):performance  
sound recording  
text  
workbook

619.03

Nature of authorship: nonspecific description. In general, an application giving a nonspecific description, such as "entire work," is adequate to define the nature of authorship in a new work. Where more than one work is present in one deposit,

619

Nature-of-authorship statement. (cont'd)

619.03

Nature of authorship: nonspecific description. (cont'd)

a nonspecific authorship statement may be acceptable if there is no evidence that the claim does not extend to all elements. For Form SR, the Copyright Office will consider the claim to cover the underlying work, the sound recording, and any other authorship in the deposit. The application will be annotated to indicate the content of the deposit. No annotation will be made, however, if the material-recorded statement at space 1 specifically lists all elements in the deposit, or space 1 correctly indicates that the work recorded is wholly literary. (A sound recording cannot be considered part of the claim registered in any class other than Class SR.)

## Examples:

- 1) Form SR is submitted stating "Everything" as the nature of the author's contribution. The nature of the material recorded is stated as "musical." The phonorecord contains recorded words and music. The Copyright Office will register the claim with an annotation on the application as follows: "Deposit contains words, music, and sound recording."
- 2) Work deposited is an educational film. The nature-of-authorship statement for each of its four authors is "Entire work." In the absence of a conflict with the film credits, the statement is acceptable.
- 3) The work deposited is a pamphlet containing text and illustrations and the nature-of-authorship statement is given

- 619                    Nature-of-authorship statement. (cont'd)
- 619.03                Nature of authorship: nonspecific description. (cont'd)
- Examples: (cont'd)
- 3) (cont'd)
- as: "Pamphlet." In the absence of a conflict with any statements on the deposit, the authorship statement is acceptable.
- 619.03(a)            Nonspecific description: derivative works. The nature-of-authorship statement for a derivative work or compilation should describe more specifically the kind of authorship on which the claim being registered is based. (See sections 615.06 above and 625 and 626 below.) For derivative works other than motion pictures or sound recordings, a description which is limited to the statement "entire work" is ordinarily not acceptable unless the derivative-work space adequately defines the claim. See section 619.10(b) below.
- 619.03(b)            Nonspecific description: author's contribution given at nature-of-work space. In general, if the description at the nature-of-authorship space is insufficient to describe the claim, but statements at the nature-of-work space describe the authorship in the deposit, the application will be accepted.
- Example:
- A copy of a choreographic work is submitted with an application Form PA. One author is named on the

619 Nature-of-authorship statement. (cont'd)619.03 Nature of authorship: nonspecific description. (cont'd)619.03(b) Nonspecific description: author's contribution given at nature-of-work space. (cont'd)

Example: (cont'd)

application, but the "Author of" space gives only the title of the work. The statement given in the nature-of-work space is "Choreography." The application will be accepted.

619.04 Nature-of-authorship statement: omitted. Where the nature of an author's contribution is omitted from the application, but the author's name is given, whether or not the application will be accepted will depend upon whether the extent of the claim is reasonably clear, and whether the nature of authorship is clearly identifiable from the deposit. Where the application contains no information about the nature of the authorship but the author's contribution is identifiable from the deposit, the Copyright Office will accept the application, annotating where appropriate.

Examples: (assume that the works are entirely new.)

- 1) A Form VA application is submitted for a two-dimensional original watercolor. The application names the author, but no nature-of-authorship statement is given. The nature-of-work statement is "Painting." The application will be accepted without annotation.

619

Nature-of-authorship statement. (cont'd)

619.04

Nature-of-authorship statement: omitted.  
(cont'd)

Examples: (cont'd)

- 2) A Form PA is received with a radio broadcast script. Neither a nature-of-authorship statement nor a nature-of-work statement is given. The deposit contains the statement: "Script by John Doe." The application will be annotated.
- 3) An application Form TX is submitted with a game board, a map, and a computer program. The application contains no indication of the extent of the claim, but Compuzese Company is named as author of a work made for hire. The application is acceptable on the assumption that the company's employees contributed the entire copyrightable content.
- 4) An application Form SR is submitted, naming Jill Maddox as author, but giving no description of her authorship. In the nature-of-material-recorded space, "Musical" is checked. The phonorecord contains a musical composition consisting of words and music. The Copyright Office will communicate with the applicant to determine whether the claim is in the musical composition, the sound recording, or both.

619.04(a)

Nature-of-authorship statement omitted: multiple authors. The application should give a specific nature-of-authorship statement for each author contributing copyrightable material to the work being

619 Nature-of-authorship statement. (cont'd)

619.04 Nature-of-authorship statement: omitted.  
(cont'd)

619.04(a) Nature-of-authorship statement omitted:  
multiple authors. (cont'd)

registered. But where the nature-of-authorship statement is not given, the application will be acceptable if copyrightable authorship on the part of all authors is evident, even though specific authorship information is not given in other registration materials. See section 615.08 above.

Examples:

- 1) A TX application naming A and B as authors gives A's contribution as "poems." No nature-of-authorship statement is given for B; and there is no indication that the work is not entirely new. The copy of the book states: "Poems by A & B." The application is acceptable without annotation.
- 2) A book of children's stories is submitted with an application Form TX. The title is "Nippy, and Other Children's Stories by Mary and Martha Hill." There is no indication that the work is not entirely new. The application names the authors but gives no nature-of-authorship statements. The application will be accepted as submitted.
- 3) A cassette of children's stories is submitted on Form SR. The title is "Nippy and Other Children's Stories." Mary and Martha Hill are named as

- 619                    Nature-of-authorship statement. (cont'd)
- 619.04                Nature-of-authorship statement: omitted.  
(cont'd)
- 619.04(a)            Nature-of-authorship statement omitted:  
multiple authors. (cont'd)
- Examples: (cont'd)
- 3) (cont'd)
- authors, but no nature-of-authorship statements are given. The application will be questioned.
- 4) An application Form TX names A and B as authors. No nature-of-authorship statements are given. The copy, a book of poetry, states: "By A & B." The application is acceptable without annotation.
- 5) A Form PA is submitted for a motion picture treatment. The copy states: "Treatment by A, Concept by B." The application names A and B without indicating the nature of the authorship. The application will be questioned.
- 619.05                Nature of authorship: percentage. Where a description of the nature of authorship is accompanied by statements apportioning contributions between coauthors, an application will generally be accepted.
- Example:
- The application states the authors' contributions: "Words and music by Joe Goldie (50 percent); words and music by Pepe Greenwald (50 percent)." The application will be accepted. However, see section 622.14 below.

619

Nature-of-authorship statement. (cont'd)

619.06

Nature of authorship: claim in unregistrable material. The nature-of-authorship statement on the application should describe only the registrable matter. Where the author's contribution is described solely in terms of uncopyrightable matter, and the claim appears to be limited to that material, the Copyright Office will refuse to register the claim.

## Examples:

- 1) The application names a single author of "typeface, format, and book design." The Copyright Office will refuse to register the claim. See 37 C.F.R. 202.1(a).
- 2) The application names two individuals as authors of a work designated as "shape of trousers." The deposit is a photograph of the trousers. Because the work sought to be registered is a utilitarian object having no separable pictorial, graphic, or sculptural authorship, the Copyright Office will refuse to register the claim. See the definition of "Pictorial, graphic, and sculptural works" in 17 U.S.C. 101.

619.06(a)

Claim in unregistrable material: deposit contains registrable matter. Where the author's contribution, as described, is uncopyrightable, but it appears that the author may have contributed copyrightable material, the Copyright Office will request a new application that appropriately describes the author's contribution.

## Examples:

- 1) An application Form TX describes the author's contribution as "Story idea." The deposit is a novel. The

- 619                    Nature-of-authorship statement. (cont'd)
- 619.06                Nature of authorship: claim in unregistrable material. (cont'd)
- 619.06(a)            Claim in unregistrable material: deposit contains registrable matter. (cont'd)
- Examples: (cont'd)
- 1) (cont'd)
 

Copyright Office will communicate with the applicant, stating that a claim cannot be registered in a "story idea" and suggesting that if the author contributed literary material, a new application should be submitted describing the author's contribution in those terms. See Chapter 300: COPYRIGHTABLE MATTER - NONDRAMATIC LITERARY WORKS.
  - 2) An application Form PA gives an author's contribution as "New process for suturing." The deposit is a videotape which depicts a doctor performing surgery with voice-over commentary. The Copyright Office will communicate with the applicant, explain that processes are not copyrightable under 17 U.S.C. 102(b), and suggest that the applicant submit a new application to register the narration, the cinematography, or both. If the applicant is not entitled to, or does not wish to register the copyrightable material, no claim will be registered.
- 619.06(b)            Claim in unregistrable material: combined with claim in registrable matter. Where an author's contribution, as described, consists of copyrightable material as

619 Nature-of-authorship statement. (cont'd)619.06 Nature of authorship: claim in unregistrable material. (cont'd)619.06(b) Claim in unregistrable material: combined with claim in registrable matter.  
(cont'd)

well as material that the statute or regulations specifically state is not within the subject matter of copyright, the Copyright Office will register the claim and refer by annotation to the applicable statute or regulation.

## Examples:

- 1) The nature-of-authorship statement, describing a single author's contribution, reads "Idea and drawing." The deposit is pen and ink drawing. The application will be annotated: "Ideas not copyrightable. 17 U.S.C. 102(b)."
- 2) The nature-of-authorship statement describes a single author's contribution as "Sound recording and name of performing group." The Copyright Office will annotate the application stating "Names not copyrightable. 37 C.F.R. 202.1."

619.06(c) Claim in unregistrable matter: author's sole contribution. In cases where an author's sole contribution is unregistrable matter, an application naming that person as author of the unregistrable contribution will not be accepted, even if another author has contributed copyrightable matter.

- 619            Nature-of-authorship statement. (cont'd)
- 619.06            Nature of authorship: claim in unregistrable material. (cont'd)
- 619.06(c)            Claim in unregistrable matter: author's sole contribution. (cont'd)
- Example:
- An application names Susan Oakes as author of a "Novel" and John Oakes as contributor of "Title of novel." The Copyright Office will request a new application omitting reference to John Oakes, if the title is his sole contribution.
- 619.06(d)            Claim in unregistrable matter: de minimis material. Where the Copyright Office determines that the author's contribution is de minimis, it will refuse to register the claim.
- Example:
- An application names the author of song lyrics; the deposit consists of three words: "I love you." The Copyright Office will refuse to register the claim.
- 619.06(e)            Unregistrable matter: claim covers both de minimis and registrable matter. The following practices relate to claims intended to cover both de minimis and registrable material.
- 619.06(e)(1)            De minimis and registrable matter: general practice. Where the nature-of-authorship statement on an application describes both de minimis and registrable material, the Copyright Office will request a new application that omits reference to the de minimis material.

- 619                    Nature-of-authorship statement. (cont'd)
- 619.06                Nature of authorship: claim in unregistrable material. (cont'd)
- 619.06(e)            Unregistrable matter: claim covers both de minimis and registrable matter.  
(cont'd)
- 619.06(e)(2)        De minimis and registrable material.  
Where a work contains de minimis material in one category of authorship but registrable material in another category, the Copyright Office will refuse to register a claim specifically in the de minimis element. Generally, the Office will request a new application describing only the registrable material.
- Example:
- The nature-of-authorship statement names A as author of "words and music." The only words contained in the deposit are "I Love You," repeated several times. The Copyright Office will request a new application omitting reference to "words."
- 619.06(e)(3)        De minimis and registrable material: unitary work. Where the nature-of-authorship statement gives: "Entire work," and the copy contains both de minimis text and copyrightable material by one author, the application will be accepted on the basis of the copyrightable content of the work.

- 619                    Nature-of-authorship statement. (cont'd)
- 619.06                Nature of authorship: claim in unregistrable material. (cont'd)
- 619.06(e)            Unregistrable matter: claim covers both de minimis and registrable matter.  
(cont'd)
- 619.06(e)(3)        De minimis and registrable material: unitary work. (cont'd)

Example:

An application names Shirley Wonder as author of "Entire work." The deposit is a greeting card depicting a Panda and containing the words "FONZ helps UNESCO. Won't You?" The Copyright Office will accept the application as submitted.

- 619.07                Nature-of-authorship statement at variance with statement on deposit. In general, where there is an unexplained variance between the nature-of-authorship statement and statements made on the deposit material, the Copyright Office will generally communicate with the applicant.

Examples:

- 1) The application for a musical composition names Alfred Archway as author of words and Bob Barter as author of "music." The copy states: "Words by Bob Barter and music by Alfred Archway." The Copyright Office will communicate with the applicant.
- 2) The application names Alfred Archway as author of music in a work made for hire, and also author of the words, not made

619

Nature-of-authorship statement. (cont'd)

619.07

Nature-of-authorship statement at variance with statement on deposit. (cont'd)

Examples: (cont'd)

2) (cont'd)

for hire. The phonorecord states: "By Alfred Archway and Bob Barter." The Copyright Office will accept the application on the assumption that Bob Barter is the employee for hire of Alfred Archway.

619.08

Nature-of-authorship statement at variance with deposit. In general, where the application describes the author's contribution as including material not present in the deposit, the Copyright Office will communicate with the applicant.

Examples:

- 1) The application gives the nature of authorship as literary material and artwork. The deposit consists only of text. The Copyright Office will ask the applicant to submit the missing material or to amend the application.
- 2) The application gives the nature-of-authorship statement as audiovisual work; the deposit is a literary work explaining how to make filmstrips. The Copyright Office will communicate with the applicant, unless the registration materials indicate that the material in the deposit is all that the applicant intends to register. In that case, the Copyright Office will annotate the application.

619            Nature-of-authorship statement. (cont'd)619.08            Nature-of-authorship statement at variance  
with deposit. (cont'd)

Examples: (cont'd)

- 3) The application gives the nature of the authorship as a motion picture; the applicant explains in an accompanying letter that he plans a motion picture for the future, but that only a short synopsis is completed. The synopsis is deposited. The Copyright Office will annotate the application.

619.08(a)            Variances with deposit material: more material present than claimed. Where the deposit material contains more authorship than is claimed on the application, the Copyright Office will ordinarily register the claim as submitted, without annotation. If, however, the work is by one author and the deposit contains a specific statement crediting that author with all elements, the application will be annotated to reflect the authorship statement on the deposit. Where the application names only one person as author of one element and the deposit names another person as both co-author of that element and as sole author of a second element, the Office will communicate with the applicant to determine the extent of the claim.

Examples:

- 1) A musical composition consisting of words and music is deposited with an application naming only the author of the music. The words are not otherwise accounted for on the application. The Copyright Office will accept the application as submitted.

- 619                    Nature-of-authorship statement. (cont'd)
- 619.08                Nature-of-authorship statement at variance with deposit. (cont'd)
- 619.08(a)            Variances with deposit material: more material present than claimed. (cont'd)
- Examples: (cont'd)
- 2) An application names John Doe as author of "music." The deposit contains words and music and states "Words and Music by John Doe." The Copyright Office will register the claim with an annotation on the application reflecting the authorship statement given on the deposit.
  - 3) A musical composition consisting of words and music is deposited with an application naming only John Doe as author of "words." The deposit names John Doe and Mary Smith as co-authors of words and Mary Smith as author of music. The Copyright Office will communicate with the applicant to determine the extent of the claim.
  - 4) An application for a literary work is submitted claiming only "Text." The deposit also contains a few pictorial illustrations. The Copyright Office will register the claim as submitted.
- 619.09                Nature-of-authorship statement: unclear.  
Where the nature-of-authorship statement does not describe the registrable material in the deposit, the Copyright Office will communicate with the applicant.

619 Nature-of-authorship statement. (cont'd)619.09 Nature-of-authorship statement: unclear.  
(cont'd)

## Examples:

- 1) An application for an historical novel gives the nature-of-authorship statement as "Facts." The Copyright Office will communicate with the applicant for clarification of the author's contribution.
- 2) A Form VA describes the author's contribution as "Structure." The deposit is an architectural blueprint. The Copyright Office will ask the applicant to clarify the description by stating "Technical drawing," or the like, if applicable.
- 3) An applicant describes the author's contribution as "Game" in a work consisting of audiovisual pictorial images and sounds. The Copyright Office will request that the applicant describe the author's contribution as "Audiovisual work."

619.09(a) Nature-of-authorship statements: clarified by reference to deposit. Where the nature-of-authorship statement is unclear but can be determined by reference to the deposit or other registration materials, the Copyright Office may annotate the application, or it may register the claim without annotation.

## Examples:

- 1) A nature-of-authorship statement on Form SR describes a claim in "Production." The deposit is a phonorecord. The Copyright Office will

619 Nature-of-authorship statement. (cont'd)

619.09 Nature-of-authorship statement: unclear.  
(cont'd)

619.09(b) Nature-of-authorship statements: not  
clarified by reference to deposit.  
(cont'd)

Examples: (cont'd)

1) (cont'd)

register the claim, if the author appears to have produced the sound recording.

2) A nature-of-authorship statement describes the author's contribution as "Conceived play." The deposit is a drama. The Copyright Office will register the claim, if the author named apparently wrote the play.

619.09(b) Nature-of-authorship statements: not  
clarified by reference to deposit. Where the nature of authorship is unclear when compared with the deposit material, the Copyright Office will communicate with the applicant. If the scope of the claim, however, is reasonably clear, the application will be accepted as submitted.

Examples:

1) A Form TX is submitted with a phonorecord. The nature-of-authorship statement is given as "Literary work." The Copyright Office will accept the application if the phonorecord contains literary material, and will not ask the applicant whether a claim in sound recording is intended.

619 Nature-of-authorship statement. (cont'd)619.10 Nature-of-authorship statement: derivative works. (cont'd)

Examples: (cont'd)

- 2) Form TX is submitted for a book jacket containing copyrightable text and de minimis artwork. The author's contribution is stated as "Design." The Copyright Office will request from the applicant a clear statement of authorship.
- 3) An application Form VA is submitted with a photograph of a flower. The nature-of-authorship statement is stated as "Photosynthesis." The Copyright Office will communicate with the applicant.

619.10 Nature-of-authorship statements: derivative works. Where the work being registered incorporates material that has been previously registered, previously published, or is in the public domain, the nature-of-authorship statement on the application should describe the new copyrightable material in which copyright is claimed. Where the nature-of-authorship statement describes only the preexisting material, the Copyright Office will communicate with the applicant.

Example:

The application names an author and states "Original oil painting" in the nature-of-authorship space. At the material-added space, "Art reproduction" is given. The deposit is a lithographic reproduction. The Copyright Office will

619 Nature-of-authorship statement. (cont'd)619.10 Nature-of-authorship statement: derivative works. (cont'd)

Example: (cont'd)

ask the applicant to describe the authorship in the lithographic reproduction at the "Author of" space and to name the author if different from the author of the oil painting. See sections 615.01 and 615.09 above.

## 619.10(a)

Nature-of-authorship statement: appropriate description of derivative works. Because the registration will cover only part of the material contained in a derivative work, the nature of the author's contribution for such works must be made clear. In general, it is not sufficient to give the author's contribution simply as "derivative work" unless the statement in the nature-of-the-work space or the material-added space clearly and comprehensively describes the new material.

Example:

An application states at the nature-of-authorship space "Derivative material," and at the material-added space "Musical arrangement." The deposit is apparently a new arrangement of an old folk song. The application is acceptable.

## 619.10(b)

Nature-of-authorship statement: same author of preexisting and derivative material. Where the author of the preexisting material and the derivative work appears to be the same, and the nature-of-authorship statement on the

- 619                    Nature-of-authorship statement. (cont'd)
- 619.10                Nature-of-authorship statement: derivative works. (cont'd)
- 619.10(b)            Nature-of-authorship statement: same author of preexisting and derivative material. (cont'd)
- application is broad enough to encompass both the preexisting and new material, the Copyright Office will register the claim.
- Examples:
- 1) The nature-of-authorship statement on an application for a musical composition consisting of words, music, and arrangement names a single author whose contribution is "Entire work;" the material-added statement notes "New arrangement." The Copyright Office will register the claim.
  - 2) An application Form VA describes the authorship as "advertisement." The material-added statement is: "Additional artwork." The application will be accepted.
  - 3) An application Form TX is submitted giving no nature-of-authorship statement. The material-added statement is: "Revisions throughout." In the absence of a contradictory statement of authorship on the deposit, the application is acceptable.
- 619.11                Nature-of-authorship statements: compilations. Generally, where the claim consists principally or solely of compilation authorship, the nature-of-authorship statement should include "Compilation," or a comparable

619

Nature-of-authorship statement. (cont'd)

619.11

Nature-of-authorship statements: compilations. (cont'd)

statement, such as "Selection," or "Arrangement." Where the application does not clearly describe the authorship as "compilation" or an acceptable alternative, and no other basis of claim is apparent, the Copyright Office will communicate with the applicant.

## Examples:

- 1) The applicant submits a series of public domain charts with answer sheets. The application does not describe the nature of authorship. The Copyright Office will communicate with the applicant.
- 2) An application Form TX describes the authorship as "Entire work." The deposit is a data base. The Copyright Office will communicate with the applicant to determine the basis of the claim.

619.11(a)

Nature-of-authorship statements: collective works. Where a collective work is being registered, the compilation and other authorship included in the claim need not be stated with particularity; a statement that the work is a collective work is sufficient to cover the work as a whole, including elements of compilation, revision, editing, arrangement, and any other material prepared by employees of the author as contributions to the collective work. See also section 626 below.

- 619            Nature-of-authorship statement. (cont'd)
- 619.11        Nature-of-authorship statements: compila-  
tions. (cont'd)
- 619.11(a)     Nature-of-authorship statements: col-  
lective works. (cont'd)

Example:

Application for a magazine is submitted on Form SE with the "collective work" box checked. The application will be accepted.

- 620            Date of creation. The application shall include the year in which the work was created. See 17 U.S.C. 409(7). A work is considered "created" when it is fixed by or under the authority of the author for the first time. Where a work has been prepared over a period of time, the part of the work existing in fixed form on a particular date constitutes the created work on that date. See 37 C.F.R. 202.3(b)(3)(ii). Where the year of creation is omitted, the Copyright Office will communicate with the applicant for the missing information. Where the applicant cannot determine the exact year of creation, qualifying language is permitted, such as "approximately," "on or about," or "on or before."

- 620.01        Date of creation: creation over a period of time. Where a work is prepared over a period of time, the portion of it that has been fixed at any particular time constitutes the work as of that time. See 17 U.S.C. 101. Where a single version is being registered, the application should give as the year of creation the latest year when copyrightable material was added to the version being registered. If multiple dates are listed, however, the Copyright Office will register the claim as submitted.

620

Date of creation. (cont'd)

620.02

Date of creation: multiple versions of a work. Where a work has been prepared in different versions, each version constitutes a separate work. See 17 U.S.C. 101. Where different versions of a work are being registered separately, each application should give the year of creation for the particular version being registered. Where it appears that the application does not give the year of creation for that version, the Copyright Office will communicate with the applicant. See section 610 above.

## Example:

The application for a derivative work gives 1972 as the year of creation and the year of previous registration. The publication date is January 1, 1978, and there are two notices on the copies: "© 1972 Miller Music," followed by "Musical Arrangement © 1978 by John Dee Music." The derivative claim is based on a new arrangement. The Copyright Office will ask the applicant whether the year of creation refers to the new arrangement.

620.02(a)

Date of creation: multiple dates, with single registration of multiple versions of a work. In cases where several versions of a work are being registered together, the applicant should give the date of creation of the latest version. However, if the applicant gives the date of creation of each version, the application will be accepted. See also section 610 above.

620.03

Date of creation: apparently incorrect. Where the date of creation is inconsistent with other dates appearing on the application or the deposit, the Copyright Office will communicate with the applicant.

620 Date of creation. (cont'd)620.03 Date of creation: apparently incorrect.  
(cont'd)

## Examples:

- 1) An application states that the author died in 1980, but gives the year of creation as 1982. The Copyright Office will ask the applicant if this information is correct, and if so, to explain the circumstances.
- 2) An application gives the date of publication as 1979. The year of creation is given as 1982. The Copyright Office will ask the applicant to review the information and correct the publication or creation date.

621 Publication. The application for copyright registration shall include, in the case of published works, the date and nation of first publication. See 17 U.S.C. 409(8). For the definition of publication under the current law, see 17 U.S.C. 101. For practices concerning publication under the current Act, see Chapter 900: PUBLICATION. For practices regarding publication under the 1909 Copyright Act, as amended, see Compendium I.

621.01 No publication information given. Usually, where an application gives no date or place of publication, the Copyright Office will register the claim as unpublished without question. Where, however, the deposit or registration materials suggest that publication information was omitted from the application by mistake or misunderstanding, the Office will communicate with the applicant before registering the claim. To correct the registration records for a work

621

Publication. (cont'd)

621.01

No publication information given. (cont'd)

erroneously registered as unpublished, a supplementary registration generally cannot be made. Instead, the applicant must make a new basic registration and submit the appropriate deposit. See section 621 above, and Chapter 1500: CORRECTIONS AND AMPLIFICATIONS OF COPYRIGHT OFFICE RECORDS; SUPPLEMENTARY REGISTRATIONS. Although an application may give no date of publication, the Copyright Office may question whether publication has occurred in cases such as the following. If the applicant satisfactorily explains the statement causing the question to arise, the Office will register the claim as submitted, except in Examples 5, 6, and 7 below.

## Examples:

- 1) A periodical issue is deposited, giving a date that has passed.
- 2) A photograph is deposited along with an advertising catalog in which the photograph is offered for sale.
- 3) A musical score is deposited bearing the stamped legend: "For rental only."
- 4) Two copies of commercially produced sheet music are deposited by a publishing company.
- 5) Motion pictures are deposited for episodes of a television series known to be in syndication.
- 6) A 45-rpm disc phonorecord states: "From the album . . .," and the Copyright Office is aware that the album has been advertised in trade magazines.

621 Publication. (cont'd)621.01 No publication information given. (cont'd)

Examples: (cont'd)

- 7) A novel is known to be listed in trade publications on a Best Seller list.

621.01(a)

No publication information given: possible eligibility problem if published.  
Where the Copyright Office questions whether publication has occurred, its letter will point out the possible consequences of publication if the Office is aware that the work may be unregistrable when published.

Examples:

- 1) An application submitted in 1984 contains no date of publication and gives the date of creation as 1978. Two copies of a commercially produced book are deposited by a publishing company bearing a 1978 imprint. The copies contain no notice of copyright. The Copyright Office will point out that the work may not be registrable if it was published in 1978.
- 2) The application names citizens of Iran as authors. The deposit copy states "Prepared in Iran and published under the auspices of the Iranian Government." The application was submitted in 1983. The Copyright Office, in questioning publication, will point out that a work by an Iranian citizen might not be eligible for registration if first published in Iran.

621 Publication. (cont'd)621.01 No publication information given. (cont'd)

621.01(b) No publication information given: statement by applicant. Where the application contains a statement that work is unpublished, (such as, "Unpublished," "N/A," or "No" in the publication block), the Copyright Office will consider it less likely that the applicant overlooked the question of publication. Applicants making registrations of commercially prepared material in unpublished form may send a letter to this effect to the Copyright Office. In these cases, the Office will generally not inquire whether publication has occurred.

621.01(c) No publication information given: restrictive legends. Where the application contains no date of publication and the deposit contains a restrictive legend, such as "Use of the material is strictly controlled," or where the applicant asserts that the deposit contains trade secret material, the Copyright Office will not ordinarily question whether publication has occurred.

621.02 Publication information given. In general, the Copyright Office will not question an assertion of publication unless statements on the application or other deposit materials clearly suggest that the work has not been published. Although the publication block on the application contains a date and place of publication, the Office may question whether publication has in fact occurred in cases such as the following:

- 1) Where the application states: "performed" or "broadcast."

621

Publication. (cont'd)

621.02

Publication information given. (cont'd)

- 2) Where one homemade cassette is submitted for a work for which the appropriate deposit is two phonorecords.
- 3) Where handwritten copies are deposited.
- 4) Where letter accompanying the deposit states that the date given is the date the material was printed, and that the applicant is waiting to get his certificate before distributing copies.
- 5) Where an application for an original painting states in the publication block: "Public exhibition date: April 1, 1981."

621.03

Publication: extraneous statements on application. The date of publication should be given on an application without any qualifying statements. However, the Copyright Office will accept the application without correspondence if the information given is not inconsistent with other information on the application or other registration materials.

## Examples:

- 1) An application states: "Televised," in the publication block and gives no date or place of publication. The application is acceptable for registration in unpublished form.
- 2) An application form for a motion picture states in the publication space: "Released December 3, 1982." The application is acceptable.

- 621            Publication. (cont'd)
- 621.04            Publication: place of publication given without date. Where the application gives a place of publication without a date, the entire application, deposit, and correspondence will be considered in deciding whether to communicate with the applicant to ascertain whether publication has occurred.
- 621.05            Publication: complete date of publication. The application should give the exact month, day, and year when publication first occurred. Where one of these elements is omitted, the Copyright Office will communicate with the applicant.
- Example:
- An application gives the date of publication as "January, 1980." The Copyright Office will ask the applicant to provide the precise date of publication.
- 621.05(a)            Complete date of publication: exact date unknown. In cases where the applicant cannot determine the exact date of first publication, the date may be qualified by "approximately," "not later than," "not before," or the like; in any case, it is preferable that the applicant give one specific date of publication without qualifying language.
- 621.06            Publication: more than one date given. In general, the applicant should give only one date of publication -- the date publication first occurred. Where more than one date of publication is given, the Copyright Office will communicate with the applicant to ascertain the date of first publication for the work being registered.

621 Publication. (cont'd)

621.07 Publication: errors and inconsistencies in date of publication. Occasionally, the application may give a date of publication that does not exist or that is impossible in light of other registration information. In such cases, the Copyright Office will communicate with the applicant.

## Examples:

- 1) The date of publication given on the application is February 30, 1982.
- 2) The date of publication is earlier than the date of the author's birth.

621.08 Publication: nation of first publication omitted. Where a work has been published, the application should give the nation of first publication. However, if the nation of first publication is omitted and only the place of first publication will provide a basis for the claim's eligibility for registration, and the place of publication is not given elsewhere in the registration materials, the Copyright Office will communicate with the applicant. Where the registration materials state a basis for eligibility other than the nation of first publication, an application giving no nation of publication will be accepted.

## Examples:

- 1) An application, giving no place of publication, states that the author is domiciled in the United States. The date of publication is given as September 1, 1983. Two copies are deposited. The application is acceptable.

621 Publication. (cont'd)621.08 Publication: nation of first publication omitted. (cont'd)

Examples: (cont'd)

- 2) An application giving no nation of publication states that the author is a citizen and domiciliary of Nepal. Two copies are deposited. The Copyright Office will communicate with the applicant.

621.09 Publication: identification of nation of first publication. The name of the nation of first publication should generally be given and must be given if the work is eligible only on the basis of the nation of first publication. Where the nation of first publication is identified on the application in terms other than its formal name, but the country is clearly identified by that name, the Copyright Office will consider that name acceptable to identify that country. See Chapter 1100: ELIGIBILITY.

Example:

An application gives a date of first publication and states that the work was published in Wales. The application is acceptable, even though the preferable name would be the United Kingdom.

621.10 Publication: first published in different countries on the same day. If first publication took place in the United States and one or more other countries on the same day, the applicant should state "USA" as the place of first publication. See Chapter 900: PUBLICATION. Although it is preferable for the application to give only one country, an application for an eligible work giving two or more countries will be accepted.

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Claimant: defined. For purposes of registration, a copyright claimant is either (1) the author of a work; or (2) a person or organization that has obtained ownership of all United States rights which initially belonged to the author under the United States copyright law. This latter category includes a person or organization that has obtained, from the author or from an entity that has obtained ownership of all rights under the copyright, the contractual right to claim legal title to the copyright in an application for copyright registration. See 37 C.F.R. 202.3(a)(3). With respect to unpublished works and works first published on or after January 1, 1978, the application should name the claimant or claimants as of the time the application is filed. NOTE: For works first published before 1978, see Compendium I, Chapter 4, Section 4.2.3.

622.01

Name of claimant: required, with address. The application for registration shall include the name and address of the copyright claimant. See 17 U.S.C. 409(1). Where the claimant's name is not given, the Copyright Office will communicate with the applicant. Generally, where the claimant's address is not given, the return or correspondence address will suffice. In any case where neither the claimant's address nor a satisfactory substitute is given in the registration materials, the Office will attempt to communicate with the applicant by telephone. If the applicant cannot be reached, but the application is otherwise acceptable, registration will be completed even though the certificate may not be mailed.

622.02

Claimant: variance between claimant on application and name in notice of copyright. With respect to works first published on or after January 1, 1978, the name of the claimant given on the application should be either the name of the owner of all United States rights

622

Claimant: defined. (cont'd)

622.02

Claimant: variance between claimant on application and name in notice of copyright.  
(cont'd)

on the date the application is filed, or the author. Ordinarily, the Copyright Office will not communicate with the applicant because the name given in the notice of copyright for a work published on or after January 1, 1978, differs from the name of the claimant on the application. The Office will communicate about such a variance, however, if such work was published before 1978.

Examples:

- 1) An application for an unpublished work names Patrick Mink as author and claimant. The copy contains a notice of copyright stating: "© 1983 Mark Music Company." The application is acceptable.
- 2) An application for registration of a published work is submitted. The copies contain a notice of copyright stating: "© 1983 Excelsior Music Company." The application names "Frank Music Company" as claimant. The application is acceptable.

622.03

Claimant: abbreviated names at the claimant space. The application should give the claimant's full legal name. However, an application will be accepted with an abbreviated version of the claimant's name if there is no doubt whether that name could identify the claimant to the public. On the other hand, an application designating the claimant solely by his or her surname ordinarily will be questioned. In any case,

622            Claimant: defined. (cont'd)

622.03        Claimant: abbreviated names at the claimant space. (cont'd)

where the name designating the claimant on the application does not sufficiently identify the claimant but other registration materials clarify his or her identity, the Copyright Office will add this information to the application.

Examples:

- 1) An application names "Sonny" Bell and "Scooter" McCall as co-claimants. The application is acceptable.
- 2) An application names "Mr. Bell and Mrs. McCall," as claimants. The registration materials do not contain any information concerning the given name of the claimant. The application will be questioned.
- 3) An application gives "Mr. T" as the name of the claimant. An accompanying letter states that the claimant's full name is Terry Thompson Tipley. The Copyright Office will annotate the application to give the claimant's full name.

622.03(a)     Abbreviated names: initials at the claimant space. If the identity of the claimant is known to the public by certain initials, an application will be acceptable giving those initials as the name of the claimant. Where the initials do not so identify the claimant, the Copyright Office will request a new application giving the claimant's legal name.

- 622                    Claimant: defined. (cont'd)
- 622.03                Claimant: abbreviated names at the claimant space. (cont'd)
- 622.03(a)            Abbreviated names: initials at the claimant space. (cont'd)
- Examples:
- 1) An application submitted by General Motors gives the claimant's name as "GM." The application is acceptable.
  - 2) An application naming the claimant as "FIG" is accompanied by a transmittal letter stating that the initials designate the name "Fruit Is Good Company," and that the initials are a proposed name change for a company now doing business under the name "Fantastic Fruit Company." The Copyright Office will ask the applicant whether "FIG" currently identifies the claimant to the public.
- 622.04                Claimant: pseudonym at claimant space. The application should give the claimant's full legal name. Where a pseudonym is given, however, the Copyright Office will not question the applicant in the absence of information that the claimant's pseudonym does not identify him or her to the public.
- 622.05                Claimant: alternative claimants at the claimant space. The claimant should be identified clearly. Therefore, where alternative claimants are given disjunctively, the Copyright Office will communicate with the applicant.
- Examples (unacceptable):
- 1) "John or Mary Doe"
  - 2) "John Doe and/or Mary Doe"

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Claimant: defined. (cont'd)

622.05

Claimant: alternative claimants at the claimant space. (cont'd)

Examples (acceptable):

- 1) "John Doe - Mary Doe"
- 2) "Foster Music/Dear Music"
- 3) "Stiller/Hyson Graphics"

622.06

Claimant: future and contingent interests.  
Persons or organizations with a future interest in the copyright or those who may obtain ownership of the copyright upon a contingency should not be named as claimants. The following are examples of unacceptable statements at the claimant space.

- 1) "John Doe, or, upon his death, Mary Doe"
- 2) "John Doe, and after ten years, Sam Doe"
- 3) "John Doe, or if she survives, Mary Doe"
- 4) "John Doe Company or, should its corporate headquarters move to Iowa, Howard Doe Company."

622.07

Claimant: corporation sole at claimant space.  
Where an individual is a copyright claimant in his or her capacity as a corporation sole, and that legal status is indicated on the application, the application will be accepted. Even where successors are mentioned, a corporation sole is considered to designate one entity.

NOTE: A corporation sole is defined as a corporation consisting of one person only, and his or her successors in some particular office incorporated by law in order to give

622

Claimant: defined. (cont'd)

622.07

Claimant: corporation sole at claimant space.  
(cont'd)

each of them in succession some legal capacity and advantages, particularly that of perpetuity, which as natural persons they could not have.

## Examples:

- 1) The claimant space states: "John Doe, a corporation sole."
- 2) The claimant space states: "John Doe and his successors, a corporation sole."

622.08

Claimant: legal and equitable owners at claimant space. Where a trustee holds copyright property, the name of the trustee, as the legal owner, should be given at the claimant space. However, an application giving either the names of only the equitable owners of the copyright, or the names of equitable and legal owners together will be accepted.

## Example:

Riggins National Bank holds in trust the copyright in a motion picture screenplay whose equitable owners are investors in a motion picture venture. The application for the screenplay names "Riggins National Bank, Trustee" as sole claimant. The application is acceptable.

622.09

Claimant: incorporation of claimant's name by reference. As a rule, the claimant should be identified on the face of the application without reference to other records. Where the claimant can be identified only by reference to a source outside the registration materials, the Copyright Office will communicate with the applicant.

622            Claimant: defined. (cont'd)

622.09        Claimant: incorporation of claimant's name by reference. (cont'd)

Example:

An application names the claimant as "Owners of Plat B, Square 464 on page 844 of Record Book 501, Office of the Recorder of Deeds, Mexia, Texas." The Copyright Office will request a new application giving the names of the claimants.

622.10        Claimant: designation of groups at claimant space. The claimant named on the application should be an entity capable of holding copyright. In general, where the claimant's name designates a group of persons, the application will be accepted without question, if it can be assumed that the membership of the group was determined before or at the time the application was submitted. An application is not acceptable, however, where the identity of the claimant is vague or ambiguous.

Examples:

- 1) An application names "Greencastle Combo" as claimant. The application is acceptable.
- 2) An application gives as claimant, "The 1982 Graduating Class of Summer Glen Elementary School." The application is acceptable on the assumption that class membership was fixed when the application was filed.
- 3) "The James Martin Family" is named as claimant on the application. Since the designation "family" is an open class whose membership was not determined, the application is unacceptable.

622

Claimant: defined. (cont'd)

622.10

Claimant: designation of groups at claimant space. (cont'd)

Examples: (cont'd)

- 4) An application names as claimant: "All Right Thinking People." Since the claimants are not identified, the application is unacceptable.

622.11

Claimant: owner for limited term. An application that names as claimant an owner of all rights to the copyright for a limited term of years may be registered. However, where there is an indication that the application is submitted outside the period of ownership, the application will be questioned.

Examples:

- 1) An application names John Doe as claimant; the transfer space notes: "By written contract for a period of three years." No other contract information is given. The application is acceptable.
- 2) An application is submitted naming John Doe as claimant and giving the transfer statement, "By written contract for three years." The application is received on April 22, 1983, together with a document attached as a rider. The examiner notes that the three-year period began on January 1, 1979. The application will be questioned.
- 3) An application is submitted naming "John Doe Recording Company" as the claimant and giving as the transfer statement, "By written contract obtained all United States rights for a period of ten years."

- 622            Claimant: defined. (cont'd)
- 622.11        Claimant: owner for limited term. (cont'd)
- Examples: (cont'd)
- 3) (cont'd)
- The document of transfer, simultaneously submitted by the applicant, indicates that the ten-year period has not expired. The application is acceptable.
- 622.12        Claimant: deceased person named at claimant space. An application that names a deceased person as claimant is not acceptable. When the Copyright Office has knowledge that a claimant died before the date of receipt of the application, the Office will request a new application naming the current owner of all rights to the copyright. It may name as the copyright claimant an heir of the decedent, the estate, or the executor, administrator, or personal representative of the decedent.
- 622.13        Claimant: clarity of number of claimants. The application should make clear the number of copyright claimants. Where the number of claimants is unclear, the Copyright Office will communicate with the applicant.
- 622.13(a)     Clarity of number of claimants: individual and related unincorporated company named at claimant space. Where the applicant wishes to indicate that an individual and his unincorporated company are the same legal entity, the application should show the relationship between the two, for example by stating "doing business as," "solely owned by," or the like. Otherwise, the number of claimants may be unclear. In such cases, the Copyright Office will communicate with the

622 Claimant: defined. (cont'd)

622.13 Claimant: clarity of number of claimants.  
(cont'd)

622.13(a) Clarity of number of claimants: individual and related unincorporated company named at claimant space. (cont'd)

applicant. In general, for registration purposes, the Office will presume that an individual and a name-related, unincorporated organization are the same entity, and an application naming an individual and such an organization at the claimant space will be accepted without question. On the other hand, in some cases the registration materials may indicate that the two related names designate two separate entities. In such cases, the application will be examined accordingly. See section 623.02 below.

**Examples:**

- 1) An application names as employer in a work made for hire "John Doe Publishing Company." The claimant space on the application gives "John Doe dba [doing business as] Doe Publishing Company." The application is acceptable.
- 2) An application names as author "John Doe." The claimant space gives "John Doe Publishing, solely owned by John Doe" with a separate address for each. The transfer statement is "by contract." The application is acceptable.
- 3) An application names Bill Jones as author and Jones Company as the claimant. No transfer statement is

- 622            Claimant: defined. (cont'd)
- 622.13            Claimant: clarity of number of claimants.  
(cont'd)
- 622.13(a)            Clarity of number of claimants: individual and related unincorporated company named at claimant space. (cont'd)
- Examples: (cont'd)
- 3) (cont'd)
- given. The Copyright Office will register the claim on the assumption that the author and claimant are the same legal entity. NOTE: This result would not obtain if the Jones Company had been designated as a corporate entity.
- 4) An application names John Doe as author and notes "John Doe, Smith Publishing Company" at the claimant space. There is no indication of the relationship between these two names, or a transfer statement showing how Smith Publishing Company obtained rights to the copyright. The Copyright Office will communicate with the applicant.
- 622.13(b)            Clarity of number of claimants: unrelated names at the claimant space. Where two or more unrelated names are given at the claimant space on the application, the Copyright Office will assume that the names represent separate claimants unless one name represents part of the address or it is otherwise clearly indicated that the names are not intended to designate separate claimants.

622            Claimant: defined. (cont'd)

622.13        Claimant: clarity of number of claimants.  
(cont'd)

622.13(b)     Clarity of number of claimants: unrelated  
names at the claimant space. (cont'd)

Example:

An application names Joan Doe,  
author. At the claimant space, the  
following information appears:

"Joan Doe  
c/o Smith Publishing Company  
468 Enterprise Avenue  
Waukegan, Illinois 12345."

The application is acceptable. In  
the example above, the company name  
would be considered part of the  
address even if the "c/o" were not  
present.

622.14        Claimant: number of claims. Only one claim  
can be registered on a single application.  
Where more than one claim is being regis-  
tered, each claim should be submitted on a  
separate application with a separate fee.  
Because statements describing the nature of  
authorship or royalty agreements may be  
interpreted as statements asserting separate  
claims, the applicant should not give such  
statements in the claimant space. In  
general, however, the Copyright Office will  
not question such statements if it seems  
clear that the applicant does not intend to  
assert more than one claim on an application.

Examples of statements given in the claimant  
space:

- 1) John Doe -- wrote words  
Mary Doe -- wrote music

The application is acceptable.

622            Claimant: defined. (cont'd)

622.14        Claimant: number of claims. (cont'd)

Examples (cont'd)

- 2) John Doe -- one-half share  
Mary Doe -- one-half share

The application is acceptable.

- 3) John Doe -- owner of words  
Mary Doe -- owner of music

The Copyright Office will ask the applicant(s) to submit two separate applications.

623            Transfers of copyright. For works published on or after January 1, 1978, if the copyright claimant is not the author, the application should contain a brief statement of how the claimant obtained ownership of the copyright. See 17 U.S.C. 409(5) and section 622 above. The applications for basic registration provide a space for transfer statements. Preferably, these statements should clearly reflect acts of transfer. However, an application will be accepted where there is a transfer statement from which a transfer in writing may be inferred. See section 623.03(b) below.

Example:

In 1984, an application for a work created in 1966, but not published until 1975, is registered by the claimant who is not the author. The transfer statement is "By oral agreement." The application is acceptable because the author could have transferred the copyright without a written instrument.

623

Transfers of copyright. (cont'd)

623.01

Transfers of copyright: transfer statements on the application distinguished from documents. A statement of transfer is to be distinguished from an instrument conveying the copyright. Generally, the instrument of conveyance, or document, need not be submitted in support of the transfer statement. Moreover, a document alone is not an acceptable substitute for a transfer statement. Generally, an application cannot incorporate by reference other documents, but, where an application also indicates the means of transfer, the application will be accepted despite references to "attached document." In such cases, the application will be annotated to show that the document was removed and did not form part of the registration record.

## Examples:

- 1) An application and document pertaining to the same work are submitted together. The application names different persons as claimant and author, but contains no transfer statement. The document is a contract purporting to convey the copyright interest in the work. Since the application itself does not contain a transfer statement, the application is not acceptable. When communicating with the applicant, the Copyright Office will suggest "by written contract" as an appropriate transfer statement.
- 2) An application and a document pertaining to the copyright in the same work are submitted together. The application contains an appropriate transfer statement. The applicant submits a single fee. The Copyright Office will register the claim and return the unrecorded document, informing the applicant of the procedure and fee for recordation.

623            Transfers of copyright. (cont'd)

623.01            Transfers of copyright: transfer statements on the application distinguished from documents. (cont'd)

623.01(a)            Transfer statements: application and document contradictory. As a rule, the Copyright Office does not interpret documents. Examiners are not required as a matter of course to analyze documents. However, all materials submitted in connection with registration may be read. When documents submitted with the applications appear to contradict the transfer described, the Office may communicate with the applicant before making registration.

Example:

An application and a document pertaining to the copyright in the same work are submitted together. The transfer statement on the application is, "By written agreement." The document grants the individual named as claimant permission to publish under restricted conditions. The Copyright Office will communicate with the applicant stating the difference between the grant described in the application and the grant in the document. If the applicant's explanation is satisfactory, the Office will register the claim.

623.02            Transfer statements: non-author as claimant. Where a claimant (or co-claimant) is not the author or the same legal entity as the author, the matter of whether a transfer statement is required depends upon whether the author, an authorized agent, or someone

623            Transfers of copyright. (cont'd)623.02            Transfer statements: non-author as claimant.  
(cont'd)

else signed the application. If the application names both an author and a non-author as co-claimants and if the application is signed by the author or an authorized agent thereof, the claim may be registered without a transfer statement. However, if the application is signed by a non-author, or such person's authorized agent, or someone else, the application must contain a transfer statement.

623.02(a)            General requirements: transfers from one co-author of a joint work or a work consisting of only one element. Where the work being registered is a joint work or consists of only one element, and has more than one author, a transfer statement need show only how the claimant obtained copyright ownership from one co-author.

## Examples:

- 1) A musical composition consisting of words and music is submitted. The application names A as author of words and B as author of music. C is named as claimant. The transfer statement reads: "By written agreement from A." The application will be accepted.
- 2) A Form TX is submitted for an essay co-authored by A and B. The copyright claimant is C. The transfer statement reads: "Copyright assignment from B." The application is acceptable.

623            Transfers of copyright. (cont'd)623.02            Transfer statements: non-author as claimant.  
(cont'd)

623.02(b)            General requirements: transfers from one co-author of a work that is not a joint work but consists of more than one element. Where a unit embodies more than one work, the transfer statement given on the application should relate to each work covered by the claim being registered.

## Examples:

- 1) An application for a published work names A as author of original oil painting and B as author of "reproduction of a work of art." C is named as the claimant. The transfer statement reads: "By contract from A." The Copyright Office will question whether C has obtained ownership of the reproduction. If so, the Office will request an additional transfer statement. If not, the Office will ask the applicant to limit the scope of the claim.
- 2) The application names A as author of a diary, and B as author of a commentary on the diary. B is named as the claimant and no transfer statement is given. The Copyright Office will ask the applicant to clarify the extent of B's ownership. If B is not claiming copyright in the diary, the claimant space may be limited by a statement such as "Copyright claimed on commentary only."

623           Transfers of copyright. (cont'd)623.02           Transfer statements: non-author as claimant.  
(cont'd)623.02(b)           General requirements: transfers from one  
co-author of a work that is not a joint  
work but consists of more than one  
element. (cont'd)

Examples: (cont'd)

- 3) An application Form SR names A, an individual, as author of words and music, and B, a record company, as author of the sound recording. A and B are named as co-claimants. The Copyright Office will ask the applicant whether A and B are joint owners of the musical work and the sound recording.
- 4) An application Form PA names C as author of an unpublished choreographic work and D as author of commentary and other material that was added after the choreographer died. C and D are named as co-claimants. The Copyright Office will communicate with the applicant.
- 5) An application Form VA names E as author of an original oil painting and F as author of a lithographic reproduction of the oil painting. E and F are named as co-claimants. The Copyright Office will communicate with the applicant.

623.02(c)           General requirements: co-authors named as  
claimants. Where an application for a  
work having more than one author names a  
single author as the sole claimant, the

- 623           Transfers of copyright. (cont'd)
- 623.02           Transfer statements: non-author as claimant.  
(cont'd)
- 623.02(c)           General requirements: co-authors named as  
claimants. (cont'd)
- application will be accepted without a transfer statement unless the claim appears to cover two separate works.
- 623.02(d)           General requirements: individuals and  
business organizations. In general, an application is acceptable without a transfer statement where the claimant space names an author in conjunction with a name under which the author is doing business. However, where the individual author and the business organization are separate legal entities, a transfer statement is required.
- Examples:
- 1) An application names "Joan Doe" as author and gives "Joan Doe (Smith's Haute Couture)" as claimant. The transfer statement is: "Author is sole owner of Smith's Haute Couture." The application is acceptable.
  - 2) An application names "Joan Doe" as author and "Joan Doe (Doe Publishing Company, Inc.)" as claimant. The transfer statement reads: "Author is sole owner of Doe Publishing." Since a corporate organization and an individual are separate legal entities, the application will be questioned.
- 623.02(e)           General requirements: derivative works  
and compilations. A transfer statement is required where the claimant is not the author of the compilation or the new

- 623            Transfers of copyright. (cont'd)
- 623.02        Transfer statements: non-author as claimant.  
(cont'd)
- 623.02(e)     General requirements: derivative works  
and compilations. (cont'd)
- material in a derivative work. Therefore, where the author of the preexisting material and the author of the new material are different persons, and the author of the preexisting material is the claimant of the new work, the application should indicate how he or she obtained ownership of copyright in the new material. However, if the derivative work is a "joint work," registration may be made without a transfer statement.
- 623.02(f)     General requirements: collective works  
registered with individual contributions.  
A collective work may be registered together with individual contributions to the collective work on a single application with a single fee where the claimant of the collective work and the individual contributions is the same. In such cases, the application must give a transfer statement relating to the ownership of the individual contributions, where they have been authored by persons other than the author of the collective work.
- 623.03        Transfer statements: acceptable. The following transfer statements are acceptable to indicate how the claimant obtained ownership of the copyright. In most cases, variant forms of these terms are also acceptable.

623            Transfers of copyright. (cont'd)623.03            Transfer statements: acceptable. (cont'd)

623.03(a)            Conveyance of copyright: acceptable. An application is acceptable where it suggests that a conveyance of the copyright was made to the claimant by a written instrument. Examples include the following as transfer statements:

- 1) "By written agreement."
- 2) "Assignment."
- 3) "By contract."
- 4) "By transfer of title."
- 5) "By transfer of all rights."
- 6) "By author's grant of contractual right to claim legal title in an application for copyright registration."
- 7) "By agreement with publisher."
- 8) "By gift agreement."
- 9) "By assignment to the United States Government."
- 10) "By assignment from the United States Government."
- 11) "By trust instrument."
- 12) "By assurance" (ancient legal term, meaning writing under seal).
- 13) "By bill of sale."

623            Transfers of copyright. (cont'd)623.03            Transfer statements: acceptable. (cont'd)623.03(a)            Conveyance of copyright: acceptable.  
(cont'd)

Examples: (cont'd)

- 14) "Memorandum of oral agreement." See section 623.04(a) below.
- 15) "By written contract."
- 16) "By will."
- 17) "By exclusive songwriter's agreement."
- 18) "By transfer of all U. S. rights."

623.03(b)            Conveyance of copyright: written transfer inferred. An application is acceptable if a written transfer can be inferred from the transfer statement. The following examples of transfer statements are acceptable unless there is information to the contrary:

Examples:

- 1) "By transfer."
- 2) "By purchase."
- 3) "By gift" (acceptable where an organization is the giver or receiver, or both; not acceptable as a transfer between two individuals).
- 4) "By agreement."
- 5) "By conveyance."

- 623            Transfers of copyright. (cont'd)
- 623.03            Transfer statements: acceptable. (cont'd)
- 623.03(b)            Conveyance of copyright: written transfer  
inferred. (cont'd)
- Examples: (cont'd)
- 6) "By empowerment" (written grant of authority).
- 623.03(c)            Transfer statements: transfer by operation of law. Whenever the application indicates that the copyright has been transferred by operation of law, the requirement for a transfer statement will be considered fulfilled. Examples include the following:
- 1) "By inheritance."
  - 2) "By intestate succession."
  - 3) "Heir under state law."
  - 4) "By operation of state community property law."
  - 5) "Partnership agreement."
- 623.03(d)            Transfer statements: transfer by operation of law not specifically stated. Where a transfer by operation of law can be inferred, or where the author and claimant can be considered the same entity, no formal transfer statement is necessary.
- Examples:
- 1) Author's spouse is included on the application as co-claimant. The address is in one of the following

623

Transfers of copyright. (cont'd)

623.03

Transfer statements: acceptable. (cont'd)

623.03(d)

Transfer statements: transfer by operation of law not specifically stated.  
(cont'd)

Examples: (cont'd)

1) cont'd

community property states: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, or Washington.

2) The application names William Smith and Edward Brown as authors; the claimant space states: Smith-Brown Company, a partnership.

3) Application states author is deceased; the claimant space gives the name of the claimant and states "Heir."

623.03(e)

Transfer statements: written instruments by third parties. On occasion, a transfer statement referring to a written instrument made by a third party is acceptable.

Examples:

1) "Deed from trustee in bankruptcy."

2) "Bylaws of a school board indicate employment of instructors is conditioned upon ownership of copyright in works created by the instructors during duty hours."

3) "By mortgage foreclosure."

623           Transfers of copyright. (cont'd)623.03           Transfer statements: acceptable. (cont'd)623.03(e)           Transfer statements: written instruments  
by third parties. (cont'd)

Examples: (cont'd)

4) "From mortgagee after foreclosure."

5) "By court order."

623.03(f)           Transfer statement: chain of title. In general, a transfer statement is acceptable where it gives only the last act of transfer to the claimant, unless there is some doubt about the validity of that transfer. However, where a claim is submitted in the work of a long-deceased or well-known deceased author, and there is no indication that the claimant is related to that author, the Copyright Office may request that the applicant submit a supplementary statement describing the chain of title from author to claimant. Where such a statement is provided, the application will be accepted reflecting only the last act of transfer. The supplementary statement will be maintained in the correspondence file relating to registration of that work.

Example:

A newly discovered musical composition by a well-known composer who died in 1918 published with introductory text is submitted for registration. The application names a music publisher as copyright claimant. The transfer statement reads:

623            Transfers of copyright. (cont'd)623.03            Transfer statements: acceptable. (cont'd)623.03(f)        Transfer statements: chain of title.  
(cont'd)

Example: (cont'd)

"By assignment." The Copyright Office will request that the applicant submit a letter indicating the chain of title from the composer (or his successors in interest) to the current claimant.

623.04            Transfer statements: unacceptable. An application is not acceptable in the first instance if it (1) indicates that the transfer took place solely by means of an oral agreement (but see section 623 above), (2) describes the claimant's relationship to the author in terms that do not operate to transfer the copyright, or (3) shows that less than all rights were transferred.

623.04(a)        Unacceptable transfer statements: oral agreement. Generally, an oral agreement without a written note or memorandum is not sufficient to transfer copyright in works statutorily copyrighted on or after January 1, 1978. See 17 U.S.C. 204(a). Where an application for such a work states that the copyright has been transferred by an oral contract, the Copyright Office will ask the applicant whether the transfer was confirmed in writing and, if such transfer is so confirmed, the Office will annotate the transfer statement accordingly. If the transfer was not confirmed in this manner, the applicant may seek registration after obtaining a written confirmation.

623            Transfers of copyright. (cont'd)

623.04(b)            Unacceptable transfer statements: transfer of material object. A transfer of the material object in which a work is embodied does not of itself convey any copyright interest in the work. See 17 U.S.C. 202. Therefore, statements that refer only to the transfer of the material object will be questioned.

Examples:

- 1) "John Doe gave me this copy."
- 2) "I bought the painting."

623.04(c)            Unacceptable transfer statements: possession of material object. A transfer statement suggesting that the person named as claimant on the application obtained mere possession of the material object is not acceptable.

Examples:

- 1) "Found in attic trunk."
- 2) "Discovered in a warehouse."
- 3) "The author sent these love letters to me when we were young."
- 4) "Author asked me to keep it for him."

623.04(d)            Unacceptable transfer statements: status or special relationship. In general, a statement that the claimant enjoyed a certain status or special relationship to the author is not sufficient as a transfer statement.

623 Transfers of copyright. (cont'd)623.04 Transfer statements: unacceptable. (cont'd)623.04(d) Unacceptable transfer statements: status or special relationship. (cont'd)

## Examples of unacceptable statements:

- 1) "Author is president of claimant corporation." The transfer statement is not acceptable.
- 2) "Claimant is daughter of the deceased author." The Copyright Office will communicate with the applicant and will suggest, where appropriate, a new transfer statement, such as, "Heir under state law" or "By will."
- 3) "Author owns 100 percent of the corporation's stock."
- 4) "Claimant is author's agent."
- 5) "Claimant produces all of author's artistic works."
- 6) "Claimant is author's publisher."
- 7) "Rules of contest."

623.04(e) Unacceptable transfer statements: less than all rights. For registration purposes, a conveyance of less than all rights to the copyright claimant, such as non-exclusive rights or a single exclusive right, is not a sufficient conveyance to create the status of "claimant." Therefore, where the transfer space on the application reflects a transfer of less than all rights of ownership under the U.S. copyright law, the Copyright

623                    Transfers of copyright. (cont'd)623.04                Transfer statements: unacceptable. (cont'd)623.04(e)            Unacceptable transfer statements: less than all rights. (cont'd)

Office will communicate with the applicant. Examples of such unacceptable transfer statements include:

- 1) "By designation."
- 2) "By license."
- 3) "By permission."
- 4) "By request."
- 5) "By transfer of right of first publication."
- 6) "By purchase of option."
- 7) "Broadcast rights."
- 8) "Agreement to prepare derivative work."
- 9) "By lease."
- 10) "Transfer of world rights except for copyright in the U.S.A."
- 11) "By consignment."
- 12) "Transfer of all rights except the exclusive right of performance."
- 13) "Obtained all motion picture rights."
- 14) "Transfer of serial rights."

- 623                    Transfers of copyright. (cont'd)
- 623.04                Transfer statements: unacceptable. (cont'd)
- 623.04(e)            Unacceptable transfer statements: less than all rights. (cont'd)
- Examples: (cont'd)
- 15) "Dedicated to."
- 16) "By consent."
- 17) "By release."
- 623.04(f)            Unacceptable transfer statements: reserved rights related to copyright.  
Where a transfer statement reflects a reservation of rights that could relate to exclusive rights in the copyright, the statement will be questioned. After satisfactory explanation, however, the claim will be registered with an annotation.
- Example:
- In an application for registration of a claim in an audiovisual work, Sonsui Concepts, Ltd. is named as the author of a work made for hire. The claimant is noted as "Great American Games." The transfer statement reads: "Transfer of all United States rights except to create hand-held version." The Copyright Office will communicate with the applicant.
- 623.05                Transfer statement: extraneous information.  
Gratuitous information given regarding a transfer of copyright will generally be disregarded, unless it either contradicts or explains the apparent means of transfer.

623

Transfers of copyright. (cont'd)

623.05

Transfer statement: extraneous information.  
(cont'd)

## Examples:

- 1) The employer in the case of a work made for hire is named as claimant. The transfer space states: "By contract." Since the statement could refer to a "for-hire" agreement, the Copyright Office will not regard the transfer statement as contradictory.
- 2) A corporation is named as claimant and an individual is named as author. The transfer space states: "Author is president of the corporation, owns all stock, and has voluntarily transferred all rights." The Copyright Office will regard the statement as acceptable.

624

Previous registration space on the application. The application form poses the question: "Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?" If the work or part of the work for which registration is sought was registered previously in the United States Copyright Office, the applicant should check "Yes." In such cases, the applicant should check also the appropriate box relating to the basis for new registration. However, where the boxes are not checked, but the material-added statement (or a statement elsewhere on the application) makes the claim clear, the application is acceptable. Where the question regarding previous registration is not answered, the application will be accepted if the work being registered appears to be a new work.

624 Previous registration space on the application.  
(cont'd)

624.01 Previous registration question answered "Yes:" practices. If the question, "Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?" is checked "Yes," the following practices apply.

624.01(a) Previous registration practices: answers to questions clearly erroneous. Where the previous registration question is checked "Yes," but the answer clearly is in error or does not relate to registration in the United States Copyright Office, the Office will annotate the application and register the claim without correspondence.

Examples:

- 1) The previous registration question is checked "Yes." Because of an error on a prior application, the applicant was asked to submit a new one. When resubmitting, the applicant refers to a previous application as a "Previous registration." The Copyright Office will annotate the application and register the claim.
- 2) The previous registration question is checked "Yes" and "in Canada" is added. With the registration materials, the applicant includes a copy of a Canadian copyright certificate. The Copyright Office will annotate the application and register the claim.
- 3) The previous registration question is checked "Yes." In a letter of transmittal, the applicant explains that

- 624            Previous registration space on the application.  
(cont'd)
- 624.01        Previous registration question answered  
"Yes:" practices. (cont'd)
- 624.01(a)     Previous registration practices: answers  
to questions clearly erroneous. (cont'd)
- Examples: (cont'd)
- 3) (cont'd)
- she registered the screenplay pre-  
                  viously with the Screenwriters'  
                  Guild. The Copyright Office will  
                  annotate the application and register  
                  the claim.
- 624.01(b)     Previous registration practices: first  
published edition. Where the previous  
registration question is answered "Yes"  
and the basis for new registration is the  
first published edition of a work pre-  
viously registered as unpublished, the  
applicant should check the appropriate  
block in the "Previous Registration"  
space and should give complete informa-  
tion in the "Publication" space. Where  
it appears that this basis for registra-  
tion is not appropriate, the Copyright  
Office will communicate with the appli-  
cant.
- Example:
- The previous registration question on  
                  an application is checked "Yes," and  
                  the basis for new registration is  
                  given as "First published edition."  
                  The book jacket, deposited with each  
                  copy of the book, states that the  
                  work had been previously published in  
                  the United Kingdom but this is the  
                  first edition of the work published

624 Previous registration space on the application.  
(cont'd)

624.01 Previous registration question answered  
"Yes:" practices. (cont'd)

624.01(b) Previous registration practices: first  
published edition. (cont'd)

Example: (cont'd)

in the United States. The Copyright Office will communicate with the applicant.

624.01(c) Previous registration practices: basic  
registration by author as copyright  
claimant. Where the previous registration question is answered "Yes" and the basis for new registration is the author's first application as copyright claimant for the work in question, the application is acceptable if: (1) it shows that the author or co-author and claimant are the same, and (2) previous registration was made on or after January 1, 1978. An author of a work registered before 1978 in the name of another claimant cannot make a second basic registration for that work. Moreover, if the work was published before 1978, an author whose name was not in the notice of copyright for that work cannot register it in his or her own name.

Example:

The previous registration question is answered "Yes," and the basis for new registration is given as "The first application submitted by this author as copyright claimant." The previous registration number and year are "EU75312" and "1977," respectively.

- 624            Previous registration space on the application.  
(cont'd)
- 624.01        Previous registration question answered  
"Yes:" practices. (cont'd)
- 624.01(c)     Previous registration practices: basic  
registration by author as copyright  
claimant. (cont'd)
- Example: (cont'd)
- The Copyright Office will communicate with the applicant. If the facts stated on the application are correct, the Office will refuse to register the claim.
- 624.01(d)     Previous registration practices: revised  
version. Where the previous registration question is answered "Yes" and the basis for new registration is that the previously registered work has been revised to the extent that the new version constitutes an "original work of authorship," the derivative-work block on the application should be completed.
- 624.01(e)     Previous registration practices: adverse  
claims. Where an applicant states that an earlier registration for the same work was unauthorized and is legally invalid, the previous registration question should not be checked "Yes." However, where the question is answered "Yes" and the basis for new registration is given, the application will be accepted. An appropriate statement on the application might be: "This application is for a work, the earlier registration of which was unauthorized." If such a statement is not given and the previous registration question is answered "Yes," but the basis for registration is clear, the Copyright

624 Previous registration space on the application.  
(cont'd)

624.01 Previous registration question answered  
"Yes." practices. (cont'd)

624.01(e) Previous registration practices: adverse  
claims. (cont'd)

Office may annotate the application with-  
out correspondence. See 37 C.F.R. 202.3  
(6)(iii).

624.01(f) Previous registration practices: new  
registration to correct certain errors.  
Where an applicant has previously regis-  
tered a claim and the registration  
contains certain errors that the  
Copyright Office could not have  
recognized, the errors are ordinarily  
corrected by making a supplementary  
registration. Certain errors may be  
corrected by a new basic registration.  
Errors that may be corrected by a new  
basic registration include registrations  
for published works erroneously  
registered as unpublished. See Chapter  
1500: CORRECTIONS AND AMPLIFICATIONS OF  
COPYRIGHT OFFICE RECORDS; SUPPLEMENTARY  
REGISTRATIONS; see also sections 631 and  
632 below.

Example:

Applicant submits letter requesting  
form for correcting an error in the  
previous registration. Sheet music  
was registered as unpublished but was  
in fact published when originally  
submitted. One copy was submitted  
with the original registration mate-  
rials. The Copyright Office will  
suggest a new basic registration on  
Form PA, with the previous registra-  
tion question checked "Yes." In the

624 Previous registration space on the application.  
(cont'd)

624.01 Previous registration question answered  
"Yes:" practices. (cont'd)

624.01(f) Previous registration practices: new  
registration to correct certain errors.  
(cont'd)

Example: (cont'd)

same space, the applicant should give a statement, such as, "To amend the registration records for a published work erroneously registered as unpublished." (If such a statement is not provided, the Office will annotate the application.)

624.01(g) Previous registration practices: no pre-  
vious registration number or year given. Where previous registration is indicated, along with a basis for new registration, the application should give the registration number and year of the most recent previous registration. If this information is not provided, however, the application may ordinarily be accepted without communicating with the applicant.

624.02 Previous registration: question answered  
"No." The Copyright Office will question a negative answer to the previous registration question where the answer is clearly contradictory or otherwise implausible.

Example:

Applicant has answered the previous registration question "No" and has indicated "This is the first published edition of a work previously registered in unpublished form." The application will be questioned.

625 Compilations. The subject matter of copyright includes compilations that as a whole constitute original works of authorship. The copyright in a compilation is independent of any copyright protection in the preexisting material. See 17 U.S.C. 101, 102, and 103.

625.01 Compilations: appropriate application form. Registration of a claim in a compilation should be made on the application form most appropriate to the preexisting material. However, the Copyright Office may accept a compilation claim on another one of the application forms for basic registration, provided that the form has some relationship to the category of material compiled.

625.02 Compilations: registrable. A compilation is registrable if its organization, arrangement, or selection as a whole constitute an original work of authorship.

Examples:

- 1) Two Forms PA, each claiming in "Compilation" are received with a folio and a phonorecord containing the same 15 musical selections. The order of the selections, however, is substantially different. The applications will be accepted.
- 2) Form SR claiming on "Compilation" is submitted for a recording of a new album entitled "Johnny Mash: Live at Billy Jack's." The Copyright Office will question whether the work contains an original compilation of previously recorded sounds since a live performance indicates that the sounds were recorded in a single continuous session.

625

Compilations. (cont'd)

625.03

Compilations: unregistrable. Where it appears that the compilation does not constitute an original work of authorship or that it is not subject to copyright protection for any other reason, the Copyright Office will refuse to register the claim.

## Examples:

- 1) A compilation of two songs on a 45-rpm disc is submitted for registration. The Copyright Office will refuse to register the claim in a compilation.
- 2) A previously registered compilation is resubmitted as a new compilation. The authorship statement reads: "Last three selections deleted." The Copyright Office will refuse to register the claim.
- 3) A claim in compilation is submitted for a feature writer's weekly contribution to "The Times" over a period of six months. The compilation is arranged in chronological order. The Copyright Office will refuse to register the claim in a compilation.
- 4) Form TX is submitted with the complete published collection of Arthur Conan Doyle's Sherlock Holmes stories arranged chronologically. The Copyright Office will refuse to register the claim in a compilation.

625.03(a)

Unregistrable compilations: unlawful employment of preexisting copyrighted material. Protection for a compilation employing preexisting material in which copyright subsists does not extend to any part of the work in which such material has been used unlawfully. See 17 U.S.C.

- 625            Compilations. (cont'd)
- 625.03            Compilations: unregistrable. (cont'd)
- 625.03(a)            Unregistrable compilations: unlawful employment of preexisting copyrighted material. (cont'd)
- 103(a). This applies to compilations which are made up entirely of preexisting copyrighted material, the use of which is unauthorized. Where it appears that such a compilation is submitted for registration, the application may be questioned.
- 625.04            Compilation statements. The following practices apply to information given on the application regarding compilations.
- 625.04(a)            Compilation statements: nature and location of statement on the application. The application for a compilation should contain a statement describing both the material that has been compiled and the compilation itself. However, if the claim is clear from the registration materials, the application may be accepted as submitted, or in appropriate cases, annotated. Annotation is appropriate where the claim is clear from registration materials other than the application.
- Example:
- Compilation of certain 1917 speeches by Woodrow Wilson.
- 625.04(b)            Compilation statements: registering a claim in compilation and derivative work. In the case where the applicant wishes to claim on both compilation and derivative work authorship, the compilation authorship should be included on the application at the "Material Added" space.

625            Compilations. (cont'd)625.04            Compilation statements. (cont'd)625.04(b)            Compilation statements: registering a claim in compilation and derivative work.  
(cont'd)

If, however, the "Material Added" space is blank, but the nature of the new material is included elsewhere on the application, the application is acceptable.

625.05            Compilation statements: acceptable. The following are examples of statements that are acceptable to describe registrable compilation authorship.

- 1) "Compilation of poems by William Henry Harrison."
- 2) "A compilation of 1930 recordings by Chicago Big Bands."
- 3) "Compilation of authentic songs of the American Revolution."
- 4) "Collection of 19th Century political cartoons."
- 5) "Selection and coordinating of numerical data."
- 6) "Ordering and reorganization of all of Mozart's Symphonies."
- 7) "Compilation of previously published film footage."
- 8) "Anthology of previously published short stories."

626

Derivative works: definition. A "derivative work" is a work based upon one or more pre-existing works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications which, as a whole, represent an original work of authorship, is a "derivative work." See 17 U.S.C. 101.

626.01

Derivative works: general practices. The following practices relate to the spaces on the application form designated "Preexisting Material" and "Material Added to This Work" under the general heading of "Derivative Work or Compilation."

626.01(a)

Derivative works: when statement not required. No statement will be required unless a substantial amount of the material incorporated in the derivative work is in the public domain or has been registered or published previously.

626.01(b)

Derivative works: statement of claim elsewhere. Where an application for a derivative work contains no statement at the derivative-work space, but the material excluded from the claim and the new material are clearly indicated elsewhere on the application, the application will be accepted. Where other registration materials make clear the extent of the claim, the application will be annotated and the claim will be registered. Otherwise, the Copyright Office will communicate with the applicant.

626 Derivative works: definition. (cont'd)626.01 Derivative works: general practices.  
(cont'd)626.01(b) Derivative works: statement of claim elsewhere. (cont'd)

## Examples:

- 1) The title-of-work space states: "Marva Thompson's New Band Arrangements of J.S. Bach Fugues." The authorship space names "Marva Thompson." No nature of authorship or derivative work statement is given. The Copyright Office will register the claim.
- 2) The nature-of-authorship space states: "New Foreword to Latville's College Algebra." The derivative-work space has been left blank. The Copyright Office will register the claim in the new literary material.

626.01(c) Derivative works: statement incomplete. Where the statement appearing in the derivative-work space on the application does not appear to describe all the copyrightable authorship on which the claim is based, the Copyright Office will not ordinarily communicate with the applicant, if a clear basis of claim is stated.626.02 Preexisting material: when statement is required. An application for a work that incorporates substantial amounts of previously registered, previously published, or public domain material should contain a statement identifying such material in the derivative-work space marked "Preexisting Material."

626 Derivative works: definition. (cont'd)626.02 Preexisting material: when statement is required. (cont'd)

However, the Copyright Office will not question an application where insubstantial amounts of such material are not accounted for in the derivative-work space.

626.02(a) Preexisting material: previously published material. Where a work contains material that was published before the date the work being registered was submitted for registration, the application should contain a statement identifying the previously published material. Such a statement should be given regardless of whether the material for which registration is being sought was created before or after the date of creation of the previously published work.

Examples:

- 1) Form TX with a date of publication is submitted with two copies of a textbook. The copies state: "Second edition." The application gives no derivative-work statement. The application will be questioned.
- 2) Form PA is submitted for the original version of an English play. In a telephone communication, the applicant has explained to the Copyright Office that a French translation of the work was made from the English version and that the French version had been previously published in France. The Copyright Office will ask the applicant to add to the application a statement identifying the previously published material.

626 Derivative works: definition. (cont'd)626.02 Preexisting material: when statement is required. (cont'd)626.02(a) Preexisting material: previously published material. (cont'd)

Examples: (cont'd)

- 3) Form PA is submitted for the screenplay of a previously published motion picture. The application states that the screenplay is unpublished, and the derivative-work space is blank. The Copyright Office will request that the applicant limit the claim to portions of the screenplay that were not published in the motion picture.
- 4) Form TX is submitted for a literary work. No derivative-work statement appears on the application. The applicant explains that the work being registered is an original unpublished draft of a work that was substantially revised and then published. The Copyright Office will ask the applicant to describe the previously published material at the derivative-work space and identify the additional (previously unpublished) material.
- 5) In 1978, John Smith publishes the first version of a textbook consisting of three chapters. In 1979, he published a revised version consisting of older chapters two and three and a new chapter four. In 1984, he submits an application for the 1978 version with an explanation. The application does not include a



626 Derivative works: definition. (cont'd)626.02 Preexisting material: when statement is required. (cont'd)626.02(c) Preexisting material: public domain material. (cont'd)

## Examples:

- 1) An applicant submits a songbook containing songs from the 18th through 20th Century. Many of these songs are in the public domain, but several are entirely new. The application contains no derivative-work statement. The Copyright Office will request that the applicant add a statement to the derivative-work space describing the new material.
- 2) A deposit consists of a set of township maps including a substantial number of public domain maps. No derivative-work statement is given. The Copyright Office will communicate with the applicant.

626.03 Derivative-work statement given in either "Preexisting Material" or "Material Added to This Work" space. Where a statement, describing both the material added and the preexisting material, is given in either part of the derivative-work space, the application will be accepted. The following statements appearing at either part of the derivative-work space are acceptable.

## Examples:

- 1) "New lyrics added to previously published words and music."
- 2) "Revised chapter 4 and entirely new chapter 5 of previously registered manuscript."

626

Derivative works: definition. (cont'd)

626.04

Derivative works: material-added statement. In addition to describing substantial material that has been previously registered, previously published, or in the public domain, the application for a derivative work should describe the material added to that work in which copyright is claimed. If the application does not describe such material at the derivative-work space, the Copyright Office may communicate with the applicant. See section 626.01(b) above. The "Material Added to This Work" statement should describe all of the material in the particular version being registered that satisfies the following criteria:

- 1) The material must be owned by the copyright claimant.
- 2) The material must contain sufficient original authorship to be copyrightable.
- 3) The material must not be in the public domain in the United States.
- 4) The material must not have been previously published in the United States or elsewhere.
- 5) The material must not have been previously registered for United States copyright in unpublished form.

626.04(a)

Material-added statement: not clearly defined. Where an application for registration of a derivative work does not clearly describe the new material and the previously registered, published, or public domain material, the Copyright Office will communicate with the applicant.

- 626            Derivative works: definition. (cont'd)
- 626.04        Derivative works: material-added statement.  
(cont'd)
- 626.04(a)     Material-added statement: not clearly de-  
defined. (cont'd)

Example:

A hymnal containing several public domain hymns is submitted with Form PA, naming several authors of new hymns. No statement of preexisting material is given, but the "Material Added to This Work" statement notes "new hymn book." The Copyright Office will ask the applicant to add a statement of preexisting material and to give a clear description of the new material.

- 626.04(b)     Material-added statement: extent of  
claim. All new authorship to be included in the claim should be described at the "Material Added to This Work" space. In cases where the material-added statement describes substantially all the material that might be covered by the claim, the Copyright Office will register the claim as submitted. In addition, where material referred to in the registration materials or contained in the deposit has not been described at the space on the application marked "Material Added to This Work" and is clearly not within the scope of the claim, the application will be accepted. Where, however, the material-added statement omits reference to substantial elements described elsewhere in the registration materials that might appropriately be part of the claim, the Office may communicate with the applicant before making registration.

626

Derivative works: definition. (cont'd)

626.04

Derivative works: new-material statement.  
(cont'd)

626.04(b)

Material-added statement: extent of claim. (cont'd)

## Examples:

- 1) The nature of authorship is given as "Words, music and arrangement." The material-added space states "New words." The deposit copy of the derivative work consists of words and music. The Office will register the claim as submitted.
- 2) An application gives the nature of the work as "Reproduction of an original work of art." The nature-of-authorship statement gives only the name and contribution of the author of the reproduction. The material-added space is not completed. The Copyright Office will register the claim as submitted.
- 3) A collection of seven songs is submitted. The preexisting-material space shows that one song has been previously registered. The material-added statement shows that the lyrics of that previously registered song are new, but no reference is made to the other six songs. The Copyright Office will ask the applicant whether the additional six songs were intended to be included in the claim. If they are not, they should be disclaimed either at the preexisting-material space -- if previously registered, previously published, or in the public domain -- or

- 626                    Derivative works: definition. (cont'd)
- 626.04                Derivative works: material-added statement.  
(cont'd)
- 626.04(b)            Material-added statement: extent of  
claim. (cont'd)
- Examples: (cont'd)
- 3) (cont'd)
- at the claimant space, if previously unregistered but not part of the claim. In the latter case, the application should contain a limitation such as "Copyright claimed on . . .," or "No copyright claimed on . . ."
- 4) The application describes the nature of the work as "A brochure." The nature-of-authorship space describes the author's contribution as "Photography, text, and artwork;" the pre-existing material is given as "Some text was previously registered," and the material added is "Additional and revised text." The Copyright Office will ask the applicant to account for the photography and artwork.
- 626.04(c)            Material-added statement: more than one  
element of authorship in a single work.  
Where more than one element of authorship is being registered in a single work, the "Material Added to This Work" statement for a derivative work should describe each element covered by the claim. Where a major element is not referred to in the derivative-work statement, but it appears that the applicant intended it to be part of the claim, the Copyright Office may question the application.

626 Derivative works: definition. (cont'd)626.04 Derivative works: material-added statement.  
(cont'd)626.04(c) Material-added statement: more than one  
element of authorship in a single work.  
(cont'd)

## Examples:

- 1) A Form PA submitted for a motion picture contains several choreographic works with substantial commentary. The nature-of-authorship statement names the motion picture producer as author of "Entire work;" the "Preexisting Material" statement is: "Some previously registered film footage," and the "Material Added to This Work" statement is: "Cinematography." The Copyright Office will register the claim on the assumption that the underlying choreography is not part of the claim.
- 2) A phonorecord is submitted with a Form SR. The nature-of-authorship statement on the application reads: "Words, music, and sound recording." The "Preexisting Material" statement reads: "Previously registered songs." The material-added space describes the new music. The Copyright Office will ask the applicant whether the sound recording is part of the material covered by the claim.

626.05 Material-added statement: unregistrable material. In general, the "Material Added to This Work" statement should only describe material that, taken as a whole, is registrable. Where the material-added

626

Derivative works: definition. (cont'd)

626.05

Material-added statement: unregistrable material. (cont'd)

statement describes only unregistrable material, the Copyright Office will refuse to register the claim as submitted. If a derivative work contains no new registrable material, the Office will refuse to make registration.

626.05(a)

Material-added statement: claim indicates unregistrable material. In cases where a claim refers to a category of unregistrable material enumerated in 17 U.S.C. 102(b) or 37 C.F.R. 202.1(a), and such material is included in a claim with other clearly registrable material, the Copyright Office will register the claim and annotate the application citing the statute or the regulation. Where the claim includes material that is otherwise unregistrable, the Copyright Office will request that the applicant omit reference to those elements.

## Examples:

- 1) The material-added statement reads: "Idea and four new chapters." The Copyright Office will annotate the application with a statement, such as, "Ideas not copyrightable. See 17 U.S.C. 102(b)," and register the claim.
- 2) The material-added space states: "New literary character, revised novel." The Copyright Office will ask the applicant to amend the application by deleting the reference to "literary character."

- 626                    Derivative works: definition. (cont'd)
- 626.05                Material-added statement: unregistrable material. (cont'd)
- 626.05(a)            Material-added statement: claim indicates unregistrable material. (cont'd)
- Examples: (cont'd)
- 3) The material-added space states:  
                          "Book design on cover and editorial revisions throughout." The book cover consists of an arrangement of letters in standard typeface. The Copyright Office will ask the applicant to delete the reference to "book design."
- 626.06                Material-added statement: description of minimal elements. The material-added statement should describe only the material in which copyright is claimed. The statement may include descriptions of revisions, deletions, or additions that individually may be insufficient to support a claim to copyright but that as a whole are registrable.
- Example:
- A textbook by a single author is submitted with an application describing the authorship as "Editorial revisions." The material-added space states: "Revised foreword, typographical errors deleted, new chapter heading, and new compilation of four maps." While it is clear that some of these changes are not registrable alone, the Copyright Office will accept the application based on its consideration of the revision as a whole.

[Number 627 is reserved.]

- 628            Reproduction for use of blind or physically-handicapped individuals. The space marked "Reproduction for use of blind and physically-handicapped individuals" on the Form TX relates only to nondramatic literary works, and concerns a voluntary nonexclusive license to the Library of Congress for use by the blind and physically handicapped. See 17 U.S.C. 710 and 37 C.F.R.201.15. Provisions for such voluntary licenses have been made for the sole purpose of facilitating the procedures for the National Library Service for the Blind and Physically Handicapped, a department of the Library of Congress. Because this procedure is not related to the registration process of the Copyright Office, in no case will the Office correspond with the applicant in regard to license information given in or omitted from this space.
- 629            Certification by applicant. By signing the application, the applicant certifies that the statements made are true to the best of his or her knowledge.
- 629.01        Certification by applicant: authority to submit application. To be acceptable, an application must be certified by the author, another copyright claimant, an owner of one or more exclusive rights, or a duly authorized agent of such applicant. The certification space should designate the authority by which the applicant is signing the application. The application will be accepted without a statement of the applicant's authority where nothing indicates that the authority should be questioned.

629

Certification by applicant. (cont'd)

629.01

Certification by applicant: authority to submit application. (cont'd)

## Examples:

- 1) The person certifying the application is neither author nor claimant, but is identifiable in a cover letter as an employee of the claimant organization. The Copyright Office will accept the application without annotating or corresponding.
- 2) The application names both the author of the new material and the author of the preexisting material upon which the derivative work is based. The application is signed by the author of the preexisting material. No certification boxes are checked on the application. The Copyright Office will accept the application as submitted.
- 3) The space designated "Authorized agent of" is completed at the certification space indicating that the person signing the application is an agent of the named organization. The organization's name appears nowhere else in the registration materials. The application is acceptable as submitted on the basis that the named organization may be the owner of one or more exclusive right(s).

629.02

Certification by applicant: owner of exclusive rights. For registration purposes, an owner of exclusive rights is distinguished from the copyright claimant by his or her ownership of one or more but not all of the exclusive rights which belonged originally to the author. For these purposes, an owner of exclusive rights is authorized by regulation to submit an application for registration but may not be named as the claimant. See 37 C.F.R. 202.3(c). See also section 622 above.

629

Certification by applicant. (cont'd)

629.03

Certification by applicant: form of signature. The certification space must bear the original handwritten signature of a person authorized to submit the application. In general, a photocopied signature or a stamp is not an acceptable substitute for the required signature..

629.04

Certification by applicant: date of certification. The application should bear a date of certification. However, the Copyright Office will not correspond with the applicant if the date of certification is omitted. Nevertheless, an application is unacceptable if it gives a date of certification that is earlier than the date of publication or creation.

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Effective date of registration. An application, deposit, and fee must be submitted before registration can be made. When the work is passed for registration, the Copyright Office assigns to the application an effective date of registration. The effective date of a copyright registration is the day on which an application, deposit, and fee, which are later determined by the Register of Copyrights or by a court of competent jurisdiction to be acceptable for registration, have all been received in the Office. See 17 U.S.C. 410(d).

## Examples:

- 1) An acceptable application and fee are received on January 4, 1982, with instructions to hold for deposit sent under separate cover; the motion picture deposit is not received until March 1, 1982. The effective date of registration will be March 1, 1982.

630

Effective date of registration. (cont'd)

## Examples: (cont'd)

- 2) An application and fee are received on January 4, 1982 without a deposit. They are returned to the sender with instructions on how to apply for registration. The application and fee are returned with copies of the work on May 3, 1982. If the three elements are acceptable, the effective date of registration will be May 3, 1982. See sections 630.01 through 630.04 below.

630.01

Effective date of registration: acceptable application. For purposes of establishing the effective date of registration, the application or other registration material must contain the elements listed below. If these registration materials do not contain this information, the Copyright Office will communicate with the applicant. In such cases, the effective date of registration will not be established until the date the Office receives the information listed below. Any basic registration form prescribed by the Copyright Office is sufficient to establish the effective date for basic registration. But see Chapter 1300: RENEWAL OF COPYRIGHT; and Chapter 1500: CORRECTIONS AND AMPLIFICATIONS OF COPYRIGHT OFFICE RECORDS; SUPPLEMENTARY REGISTRATIONS. The required information is as follows:

- 1) A title by which the work can be identified; the work may also be identified by a title given in the deposit material.
- 2) A basis for eligibility; for example, an indication that the work is unpublished, or, if published, the nationality or domicile of the author or the place of first publication.

- 630                    Effective date of registration. (cont'd)
- 630.01                Effective date of registration: acceptable application. (cont'd)
- 3) The name of at least one claimant; this includes the name of the author, if it is later determined that the author was the claimant in the particular registration being made. NOTE: For purposes of assigning an effective date to works published before 1978, the name of the claimant may be established from the name in the copyright notice on copies or phonorecords of sound recordings deposited for registration.
- 630.01(a)            Effective date of registration: information received by telephone. Where the registration material does not give the elements necessary for establishing the effective date, but the Examining Division receives such information by telephone, the effective date of registration will be the date of the telephone conversation. In such cases, the application will be annotated to reflect the date of the telephone conversation and the authority of the person providing the information. Where the claimant is the author, see section 630.01 above.
- 630.02                Effective date of registration: acceptable deposits. For purposes of establishing an effective date of registration, a deposit is acceptable if it contains all the copyrightable content of the work to be registered.
- Examples:
- 1) On February 7, 1983, an acceptable application and fee are submitted with one copy of a work published in the United States. The appropriate deposit

630

Effective date of registration. (cont'd)

630.02

Effective date of registration: acceptable deposits. (cont'd)

Examples: (cont'd)

1) (cont'd)

for the work is two copies. The Copyright Office calls the applicant for a second copy. An additional copy is received March 3, 1983. The Office will register the claim giving February 7, 1983 as the effective date of registration.

2) On April 7, 1983, the Copyright Office receives an acceptable application and fee with a phonorecord of a musical composition. The application gives the nature of the author's contribution as, "Words and music." The phonorecord contains only music. The Copyright Office will inform the applicant of the discrepancy. If a new phonorecord is submitted containing words and music, the effective date will be the date the Office receives the new phonorecord. If the description of the authorship should have been limited to music, and the applicant submits a new application, the effective date of registration will be April 7, 1983.

3) On July 15, 1983, an acceptable fee and application Form TX for registration of a claim to copyright in a computer program are submitted with a printout of the first and last five pages of the program as the deposit. No request for special relief is submitted. The Copyright Office requests the additional pages of the appropriate deposit as defined in the

630

Effective date of registration. (cont'd)

630.02

Effective date of registration: acceptable deposits. (cont'd)

Examples: (cont'd)

3) (cont'd)

regulation regarding machine-readable works. See 37 C.F.R.202.20(c)(2)(vii) and (d). The additional material is submitted on August 3, 1983. The Office will register the claim giving August 3, 1983 as the effective date.

4) On May 2, 1983, an acceptable application and fee are submitted with a deposit copy of a work published in France in 1960. Four pages are missing from the deposit copy. The applicant also submits a letter requesting special relief, stating that no other copies are available. If the request for special relief is granted, the effective date of registration will be May 2, 1983.

630.03

Effective date of registration: acceptable fee. The effective date is not established until the full filing fee is received. The Special Handling fee is not part of the filing fee. Therefore, if the Special Handling fee is submitted after the filing fee is received, the effective date of registration will be the earlier date. See Chapter 700: APPLICATIONS AND FEES.

630.03(a)

Effective date of registration: deposit accounts, fees acceptable. The Copyright Office will determine whether a deposit account has sufficient funds to register a claim when the application is submitted. If sufficient funds for registration are not available in the account, the claim will not be forwarded to the

- 630                    Effective date of registration. (cont'd)
- 630.03                Effective date of registration: acceptable fee. (cont'd)
- 630.03(a)            Effective date of registration: deposit accounts, fees acceptable. (cont'd)
- Examining Division but will be held by the Accounting Unit, which will notify the Deposit Account holder. If the funds arrive within two weeks, the date of receipt of the funds (assuming prior receipt of the application and deposit) will be the effective date of registration. If funds do not arrive within that time, the Copyright Office will follow its procedure for handling incomplete claims; see section 754, Chapter 700: APPLICATIONS AND FEES.
- 630.03(b)            Effective date of registration: insufficient funds for multiple claims. Where an applicant submits a fee that is sufficient to register one or more but not all of the works submitted for registration, the Copyright Office will not communicate with the applicant about which claims to register first.
- 630.03(c)            Effective date of registration: unacceptable remittance. An unacceptable remittance will prevent establishment of the effective date of registration. Such remittances include postage stamps, unsigned checks, postdated checks, mutilated checks, and illegible checks. In addition, a registration fee made payable in foreign currency is not acceptable. In all such cases, the fee will be returned to the sender. The effective date of registration will not be established until an acceptable fee is received. See section 753.02, Chapter 700: APPLICATIONS AND FEES.

630 Effective date of registration. (cont'd)

630.04 Effective date of registration: effect of receiving necessary minimal elements. The minimal information necessary to establish the effective date of registration does not of itself satisfy all of the requirements for registration. The actual registration will not be made and the certificate will not be issued until all legal and formal requirements have been met.

## Example:

On May 3, 1982, an application giving the minimal elements is submitted, accompanied by the proper deposit and fee. However, the publication date is given on the application as June 1, 1982. When the issue of publication has been resolved, the claim will be registered giving May 3, 1982, as the effective date, even though a new application is ultimately necessary.

631 Referrals. If, after a work has been registered, the Copyright Office discovers an informality, it will correspond with the applicant and attempt to correct the informality by means of a new or amended application. If the applicant does not reply, the Copyright Office will leave the claim on record unless the circumstances require cancellation. See section 632 below. In certain cases, the Office will make the correction and issue a new certificate without requesting a new application.

632 Cancellation. Cancellation is an action taken by the Copyright Office to invalidate a registration applying to a particular registration number. A new registration may be made under a different class and number, or the registration may remain invalidated. See 37 C.F.R. Sec. 201.7.

632            Cancellation. (cont'd)

632.01            General policy. The Copyright Office will cancel a completed registration only in those cases where: (1) It is clear that no registration should have been made because the work does not constitute copyrightable subject matter or fails to satisfy the other legal and formal requirements for obtaining copyright; (2) Registration may be authorized but the application, deposit material, or fee does not meet the requirements of the law and Copyright Office regulations, and the Office is unable to get the defect corrected; or (3) An existing registration in the wrong class is to be replaced by a new registration in the correct class.

632.02            Circumstances under which a registration will be cancelled. The Copyright Office will cancel registrations in four different instances.

632.02(a)            Authorship not subject to copyright. Where the Copyright Office becomes aware after registration that a work is not copyrightable, either because the authorship is de minimis or the work does not contain authorship subject to copyright, the registration will be cancelled. The copyright claimant will be notified by correspondence of the proposed cancellation giving the reasons for such cancellation. The claimant has 30 days from the date the Copyright Office letter is mailed to show cause in writing why the cancellation should not be made. If the claimant fails to respond within the 30 day period, or if the Office after considering the response, determines that the registration was made in error and not in accordance with the Copyright Act, the registration will be cancelled.

- 632            Cancellation. (cont'd)
- 632.02            Circumstances under which a registration will be cancelled. (cont'd)
- 632.02(b)            Uncollectible checks. When a check received in payment of a registration fee is returned to the Copyright Office marked "insufficient funds" or is otherwise uncollectible, the Copyright Office will immediately cancel any registration(s) for which the dishonored check was submitted. The Office will notify the remitter that the registration has been cancelled because the check was returned as uncollectible.
- 632.02(c)            Cancellation to make a new registration. Where registration is made in the wrong class, the Copyright Office will cancel the first registration, replace it with a new registration in the correct class, and issue a corrected certificate.
- Example:
- A sound recording is registered in Class PA. The Office discovers that the work includes a claim on sounds and should have been registered in Class SR. The Class PA registration will be cancelled and a new registration made in Class SR.
- 632.02(d)            Apparent substantive defects. Where registration is made for a work which appears to be copyrightable but after registration the Copyright Office becomes aware that on the administrative record before the Office, the statutory requirements have apparently not been satisfied, or that information essential to registration has been omitted entirely from

632            Cancellation. (cont'd)

632.02            Circumstances under which a registration will  
be cancelled. (cont'd)

632.02(d)            Apparent substantive defects. (cont'd)

the application or is questionable, or correct deposit material has not been deposited, the Office will correspond with the copyright claimant in an attempt to secure the required information or deposit material, or to clarify the information previously given on the application.

632.02(d)(1)            Major substantive defects. Where the registration contains substantive defects such as those listed below, the copyright claimant has 30 days after the date the letter is mailed to respond appropriately. If no response is received within that time, or if the response does not resolve the substantive defect, the registration will be cancelled. The Office correspondence notifying the claimant of the problem will include the reason(s) for the cancellation. The following are instances where a completed registration will be cancelled unless the substantive defect in the registration can be cured:

- (1) Eligibility for registration has not been established;
- (2) A work was registered more than 5 years after the date of first publication and the deposit copy or phonorecord does not contain a statutory copyright notice;

- 632                    Cancellation. (cont'd)
- 632.02                Circumstances under which a registration will  
be cancelled. (cont'd)
- 632.02(d)            Apparent substantive defects. (cont'd)
- 632.02(d)(1)        Major substantive defects. (cont'd)
- (3) The deposit copies or phono-records of a work published before January 1, 1978, do not contain a copyright notice or the notice is defective;
  - (4) A renewal claim was registered after the statutory time limits for registration had apparently expired;
  - (5) The application and copy(copies) or phonorecord(s) do not match each other and the Office cannot locate a copy or phonorecord as described in the application elsewhere in the Copyright Office or the Library of Congress;
  - (6) The application for registration does not identify a copyright claimant or it appears from the transfer statement on the application or elsewhere that the "claimant" named in the application does not have the right to claim copyright;
  - (7) A claim to copyright is based on material added to a preexisting work and a reading of the application in its totality indicates that there is no copyrightable new material on which to base a claim;

- 632                    Cancellation. (cont'd)
- 632.02                Circumstances under which a registration will  
be cancelled. (cont'd)
- 632.02(d)            Apparent substantive defects. (cont'd)
- 632.02(d)(1)        Major substantive defects. (cont'd)
- (8) A work subject to the manufacturing provisions of the Act of 1909 was apparently published in violation of those provisions;
- (9) For a work published after January 1, 1978, the only claimant given on the application was deceased on the date the application was certified;
- (10) A work is not anonymous or pseudonymous and statements on the application and/or copy vary so much that the author cannot be identified; and
- (11) Statements on the application conflict or are so unclear that the claimant cannot be adequately identified.
- 632.02(d)(2)        No cancellation required for minor errors. Where a registration includes minor substantive errors or omissions which would generally have been rectified before registration, the Office will attempt to rectify the error through correspondence with the remitter. Except in those cases enumerated in section 632.02(a), (b), (c), and (d)(1), if the Office is unable for any reason to obtain the correct information or deposit copy,

- 632                    Cancellation. (cont'd)
- 632.02                Circumstances under which a registration will be cancelled. (cont'd)
- 632.02(d)             Apparent substantive defects. (cont'd)
- 632.02(d)(2)         No cancellation required for minor errors. (cont'd)

the registration record will be annotated to state the nature of the formality and show that the Office attempted to correct the registration.

- 632.03                Cancellation of renewal claim. Where a renewal claim has been registered and it is subsequently discovered that the claim was not registrable, the Copyright Office will cancel the registration.

Example:

Music Company A submits a renewal application on behalf of B as author, within the appropriate time limits. The claim is registered. Later, but within the renewal period, Music Company D submits a renewal claim for the same work on behalf of C as author. At that time, the Copyright Office discovers that the original registration named only C as author. Since the Office should have checked the original registration records and discovered that B had no basis in the registration records upon which to claim the renewal, the previous renewal registration was in error. The Office will cancel the renewal claim for B, but will register the renewal claim on behalf of C as author.

[END OF CHAPTER 600]