If you need application forms for registration of a claim to copyright, you may now call (202) 287-9100 at any time, day or night, to leave your request as a recorded message on the Forms HOTLINE of

D.C.

The Copyright Office has established this new service to speed up service to callers who know what application forms they need and who do not need the services of a Public Information Specialist.

Requests made on the HOTLINE number are filled and mailed promptly.

If you do not know what forms you need or if you need additional information about copyright, you may call the Copyright Public Information Office at (202) 287-8700 weekdays between 8:30 a.m. and 5:00 p.m. Calls will be answered in sequence.

## WHAT **APPLICATION** FORMS YOU WILL NEED

If you wish to apply to register your work for copyright, you will need one of the following application forms: Form TX, Form SE, Form PA, Form VA, Form SR, Form RE, Form CA, or Form GR/CP.

Class TX includes all types of published and unpublished works written in words or other verbal or numerical symbols. except for dramatic works and certain kinds of audiovisual works. You will need this form if your work is fiction or nonfiction, poetry or prose, or a textbook. reference work. directory. catalog, advertising copy, computer program, data base or other "nondramatic literary work.'

Use Form TX for Nondramatic Literary Works.

Use Form SE for Serials. Class SE, serials, includes all works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely (periodicals, newspapers, magazines, newsletters, annuals, journals, etc.).



# Use Form PA for Works of the Performing Arts.

Class PA includes published and unpublished works prepared for the purpose of being "performed" directly before an audience or indirectly by means of any device or process. Some examples of works in this category are musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; motion pictures and other audiovisual works.

## Use Form VA for Works of the Visual Arts.

Class VA is used for published and unpublished pictorial, graphic, and sculptural works, including two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, technical drawings, diagrams, models, pictorial or graphic labels and advertisements, as well as "works of artistic craftsmanship." Use Form VA for labels and advertisements if the copyrightable material in them is mainly pictorial or graphic; use Form TX if it consists mainly of text.

# Use Form SR for Sound Recordings.

Class SR applies to sound recordings—works that result from the fixation of a series of musical, spoken or other sounds. Form SR should be used to register the claim to copyright in the sound recording itself. Form SR may also be used to register both the sound recording and the musical, dramatic or literary works fixed in the same phonorecord (or tape, disk, or cassette), as long as the same person or organization owns the copyright in both works.

# Use Form RE for Renewal Registrations.

Use Form RE for any renewal application, regardless of the class in which the original registration was made. A renewal application can be made only for works that were already in their first 28-year term of copyright protection on January 1, 1978, (that is, works originally copyrighted between January 1, 1950 and December 31, 1977). Renewals can only be made during the last calendar year of the first 28-year copyright term.

## Use Form CA for Supplementary Registration.

Use Form CA to apply for supplementary registration after an initial registration has been made—to correct an error or to amplify the information given on the original application form.

# Use Form GR/CP for Registration of a Group of Contributions to Periodicals.

Use Form GR/CP as an addition to a basic application on Form TX, Form PA, or Form VA, if you are making a single registration for a group of contributions to periodicals. The copyright statute provides that a single registration for a group of works can be made if all of the following conditions are met:

- 1. All of the works are by the same author, who is an individual; and
- 2. All of the works were first published as contributions to periodicals (including newspapers) within a 12-month period; and
- 3. Each of the contributions as first published bore a separate copyright notice, and the name of the owner of copyright in the work was the same in each notice; and
- 4. One copy of the entire periodical issue or newspaper section in which each contribution was first published must be deposited with the application; and
- 5. The application must identify each contribution separately, including the periodical containing it and the date of its first publication.

# Use Form IS for Issuance of an Import Statement.

Use Form IS when you are the copyright owner of a nondramatic literary work that is subject to the manufacturing provisions of section 601 of the copyright law; and registration for the work has already been made, or is being made now; and copies of the work have been manufactured outside the United States or Canada, and you want to import up to 2,000 copies of the foreign edition into the United States under the exception of 17 U.S.C. section 601 (b) (2).

If you need additional information about copyright registration, you may also write to the Information and Publications Section, LM-455, Copyright Office, Library of Congress, Washington, D.C. 20559.

# Filling Out Application Form TX

Detach and read these instructions before completing this form. Make sure all applicable spaces have been filled in before you return this form.

# **BASIC INFORMATION**

When to Use This Form: Use Form TX for registration of published or unpublished non-dramatic literary works, excluding periodicals or serial issues. This class includes a wide variety of works: fiction, non-fiction, poetry, textbooks, reference works, directories, catalogs, advertising copy, compilations of information, and computer programs. For periodicals and serials, use Form SE.

Deposit to Accompany Application: An application for copyright registration must be accompanied by a deposit consisting of copies or phonorecords representing the entire work for which registration is to be made. The following are the general deposit requirements as set forth in the

Unpublished Work: Deposit one complete copy (or phonorecord).

Published Work: Deposit two complete copies (or phonorecords) of the best edition.

Work First Published Outside the United States: Deposit one complete copy (or phonorecord) of the first foreign edition.

Contribution to a Collective Work: Deposit one complete copy (or phonorecord) of the best edition of the collective work.

The Copyright Notice: For published works, the law provides that a copyright notice in a specified form "shall be placed on all publicly distributed copies from which the work can be visually perceived." Use of the

copyright notice is the responsibility of the copyright owner and does not require advance permission from the Copyright Office. The required form of the notice for copies generally consists of three elements: (1) the symbol "©", or the word "Copyright," or the abbreviation "Copr."; (2) the year of first publication; and (3) the name of the owner of copyright. For example: "© 1981 Constance Porter." The notice is to be affixed to the copies "in such manner and location as to give reasonable notice of the claim of copyright."

For further information about copyright registration, notice, or special questions relating to copyright problems, write:

Information and Publications Section, LM-455

Copyright Office

Library of Congress

Washington, D.C. 20559

## PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (Public Law 93-579)

AUTHORITY FOR REQUESTING THIS INFORMATION:

- Title 17, U.S.C., Secs. 409 and 410
- FURNISHING THE REQUESTED INFORMATION IS:
- Voluntary

BUT IF THE INFORMATION IS NOT **FURNISHED:** 

- · It may be necessary to delay or refuse regis-
- You may not be entitled to certain relief remedies, and benefits provided in chapters 4

PRINCIPAL USES OF REQUESTED INFORMATION:

- Establishment and maintenance of a public
- · Examination of the application for compliance with legal requirements

#### OTHER ROUTINE USES:

- Public inspection and copyingPreparation of public indexes
- Preparation of public catalogs of copyright registrations
- Preparation of search reports upon request
- No other advisory statement will be given you in connection with this application
- · Please keep this statement and refer to it if we communicate with you regarding this ap-

# LINE-BY-LINE INSTRUCTIONS

# **SPACE 1: Title**

Title of This Work: Every work submitted for copyright registration must be given a title to identify that particular work. If the copies or phonorecords of the work bear a title (or an identifying phrase that could serve as a title), transcribe that wording completely and exactly on the application. Indexing of the registration and future identification of the work will depend on the information you give here.

Previous or Alternative Titles: Complete this space if there are any additional titles for the work under which someone searching for the registration might be likely to look, or under which a document pertaining to the work might be recorded.

Publication as a Contribution: If the work being registered is a contribution to a periodical, serial, or collection, give the title of the contribution in the "Title of this Work" space. Then, in the line headed "Publication as a Contribution," give information about the collective work in which the contribution appeared.

# **SPACE 2: Author(s)**

General Instructions: After reading these instructions, decide who are the "authors" of this work for copyright purposes. Then, unless the work is a "collective work," give the requested information about every "author" who contributed any appreciable amount of copyrightable matter to this version of the work. If you need further space, request additional Continuation sheets. In the case of a collective work, such as an anthology, collection of essays, or encyclopedia, give information about the author of the collective work as a whole.

Name of Author: The fullest form of the author's name should be given. Unless the work was "made for hire," the individual who actually created the work is its "author." In the case of a work made for hire, the statute provides that "the employer or other person for whom the work was prepared is considered the author."

What is a "Work Made for Hire"? A "work made for hire" is defined as: (1) "a work prepared by an employee within the scope of his or her employment"; or (2) "a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire." If you have checked "Yes" to indicate that the work was "made for hire," you must give the full legal name of the employer (or other person for whom the work was prepared). You may also include the name of the employee along with the name of the employer (for example: "Elster Publishing Co., employer for hire of John Ferguson").

"Anonymous" or "Pseudonymous" Work: An author's contribution to a work is "anonymous" if that author is not identified on the copies or phonorecords of the work. An author's contribution to a work is 'pseudonymous" if that author is identified on the copies or phonorecords under a fictitious name. If the work is "anonymous" you may: (1) leave the line blank; or (2) state " anonymous" on the line; or (3) reveal the author's identity. If the work is "pseudonymous" you may: (1) leave the line blank; or (2) give the pseudonym and identify it as such (for example: "Huntley Haverstock, pseudonym"); or (3) reveal the author's name, making clear which is the real name and which is the pseudonym (for example: "Judith Barton, whose pseudonym is Madeline Elster"). However, the citizenship or domicile of the author must be given in all cases.

Dates of Birth and Death: If the author is dead, the statute requires that the year of death be included in the application unless the work is anonymous or pseudonymous. The author's birth date is optional, but is useful as a form of identification. Leave this space blank if the author's contribution was a "work made for hire."

Author's Nationality or Domicile: Give the country of which the author is a citizen, or the country in which the author is domiciled. Nationality or domicile must be given in all cases.

Nature of Authorship: After the words "Nature of Authorship" give a brief general statement of the nature of this particular author's contribution to the work. Examples: "Entire text"; "Coauthor of entire text"; "Chapters 11-14"; "Editorial revisions"; "Compilation and English translation"; "New text."

# **3** SPACE 3: Creation and Publication

General Instructions: Do not confuse "creation" with "publication." Every application for copyright registration must state "the year in which creation of the work was completed." Give the date and nation of first publication only if the work has been published.

Creation: Under the statute, a work is "created" when it is fixed in a copy or phonorecord 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. The date you give here should be the year in which the author completed the particular version for which registration is now being sought, even if other versions exist or if further changes or additions are planned.

**Publication:** The statute defines "publication" as "the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending"; a work is also "published" if there has been an "offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display." Give the full date (month, day, year) when, and the country where, publication first occurred. If first publication took place simultaneously in the United States and other countries, it is sufficient to state "U.S.A."

# SPACE 4: Claimant(s)

Name(s) and Address(es) of Copyright Claimant(s): Give the name(s) and address(es) of the copyright claimant(s) in this work even if the claimant is the same as the author. Copyright in a work belongs initially to the author of the work (including, in the case of a work made for hire, the employer or other person for whom the work was prepared). The copyright claimant is either the author of the work or a person or organization to whom the copyright initially belonging to the author has been transferred.

**Transfer:** The statute provides that, if the copyright claimant is not the author, the application for registration must contain "a brief statement of how the claimant obtained ownership of the copyright." If any copyright claimant named in space 4 is not an author named in space 2, give a brief, general statement summarizing the means by which that claimant obtained ownership of the copyright. Examples: "By written contract"; "Transfer of all rights by author"; "Assignment"; "By will." Do not attach transfer documents or other attachments or riders.

# **5** SPACE 5: Previous Registration

**General Instructions:** The questions in space 5 are intended to find out whether an earlier registration has been made for this work and, if so, whether there is any basis for a new registration. As a general rule, only one basic copyright registration can be made for the same version of a particular work.

**Same Version**: If this version is substantially the same as the work covered by a previous registration, a second registration is not generally possible unless: (1) the work has been registered in unpublished form and a second registration is now being sought to cover this first published edition; or (2) someone other than the author is identified as copyright claimant in the earlier registration, and the author is now seeking registration in his or her own name. If either of these two exceptions apply, check the appropriate box and give the earlier registration number and date. Otherwise, do not submit Form TX; instead, write the Copyright Office for information about supplementary registration or recordation of transfers of copyright ownership.

**Changed Version:** If the work has been changed, and you are now seeking registration to cover the additions or revisions, check the last box in space 5, give the earlier registration number and date, and complete both parts of space 6 in accordance with the instructions below.

**Previous Registration Number and Date:** If more than one previous registration has been made for the work, give the number and date of the latest registration.

# **6** SPACE 6: Derivative Work or Compilation

General Instructions: Complete space 6 if this work is a "changed version," "compilation," or "derivative work," and if it incorporates one or more earlier works that have already been published or registered for copyright, or that have fallen into the public domain. A "compilation" is defined as "a work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as

a whole constitutes an original work of authorship." A "derivative work" is "a work based on one or more preexisting works." Examples of derivative works include translations, fictionalizations, abridgments, condensations, or "any other form in which a work may be recast, transformed, or adapted." Derivative works also include works "consisting of editorial revisions, annotations, or other modifications" if these changes, as a whole, represent an original work of authorship.

**Preexisting Material (space 6a):** For derivative works, complete this space and space 6b. In space 6a identify the preexisting work that has been recast, transformed, or adapted. An example of preexisting material might be: "Russian version of Goncharov's 'Oblomov'." Do not complete space 6a for compilations.

Material Added to This Work (space 6b): Give a brief, general statement of the new material covered by the copyright claim for which registration is sought. Derivative work examples include: "Foreword, editing, critical annotations"; "Translation"; "Chapters 11-17." If the work is a compilation, describe both the compilation itself and the material that has been compiled. Example: "Compilation of certain 1917 Speeches by Woodrow Wilson." A work may be both a derivative work and compilation, in which case a sample statement might be: "Compilation and additional new material."

# **SPACE 7: Manufacturing Provisions**

General Instructions: The copyright statute currently provides, as a general rule, that the copies of a published work "consisting preponderantly of non-dramatic literary material in the English language" be manufactured in the United States or Canada in order to be lawfully imported and publicly distributed in the United States. If the work being registered is unpublished or not in English, leave this space blank. Complete this space if registration is sought for a published work "consisting preponderantly of nondramatic literary material that is in the English language." Identify those who manufactured the copies and where those manufacturing processes were performed. As an exception to the manufacturing provisions, the statute prescribes that, where manufacture has taken place outside the United States or Canada, a maximum of 2000 copies of the foreign edition may be imported into the United States without affecting the copyright owners' rights. For this purpose, the Copyright Office will issue an Import Statement upon request and payment of a fee of \$3 at the time of registration or at any later time. For further information about import statements, write for Form IS.

# 8 SPACE 8: Reproduction for Use of Blind or Physically Handicapped Individuals

General Instructions: One of the major programs of the Library of Congress is to provide Braille editions and special recordings of works for the exclusive use of the blind and physically handicapped. In an effort to simplify and speed up the copyright licensing procedures that are a necessary part of this program, section 710 of the copyright statute provides for the establishment of a voluntary licensing system to be tied in with copyright registration. Copyright Office regulations provide that you may grant a license for such reproduction and distribution solely for the use of persons who are certified by competent authority as unable to read normal printed material as a result of physical limitations. The license is entirely voluntary, nonexclusive, and may be terminated upon 90 days notice.

**How to Grant the License:** If you wish to grant it, check one of the three boxes in space 8. Your check in one of these boxes, together with your signature in space 10, will mean that the Library of Congress can proceed to reproduce and distribute under the license without further paperwork. For further information, write for Circular R63.

# 9,10,11 SPACE 9, 10, 11: Fee, Correspondence, Certification, Return Address

**Deposit Account:** If you maintain a Deposit Account in the Copyright Office, identify it in space 9. Otherwise leave the space blank and send the fee of \$10 with your application and deposit.

**Correspondence** (space 9): This space should contain the name, address, area code, and telephone number of the person to be consulted if correspondence about this application becomes necessary.

**Certification** (space 10): The application can not be accepted unless it bears the date and the **handwritten signature** of the author or other copyright claimant, or of the owner of exclusive right(s), or of the duly authorized agent of author, claimant, or owner of exclusive right(s).

Address for Return of Certificate (space 11): The address box must be completed legibly since the certificate will be returned in a window envelope.

REGISTRATION NUMBER

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<sup>\* 17</sup> U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Copyright
Protection Not
Available For
Names, Titles,
or Short
Phrases

# SHORT EXPRESSIONS NOT PROTECTED BY COPYRIGHT

Names, titles, and short phrases or expressions are not subject to copyright protection. Even if a name, title, or short phrase is novel, distinctive, or lends itself to a play on words, it cannot be protected by copyright. The Copyright Office cannot register claims to exclusive rights in brief combinations of words, such as:

- Names of products or services;
- Names of businesses, organizations, or groups (including the name of a group of performers);
- Names or pseudonyms of individuals (including a pen name or stage name);
- · Titles of works:
- Catchwords, catch phrases, mottoes, slogans, or short advertising expressions;
- Mere listings of ingredients, as in a recipe or formula; however, when a recipe or formula is accompanied by substantial literary expression in the form of explanation or directions, or when there is a compilation of recipes, there may be a basis for copyright protection.

#### SUBJECT MATTER OF COPYRIGHT

Copyright protection under the new copyright law (title 17 of the United States Code, section 102) extends only to

"original works of authorship." The statute states clearly that ideas and concepts cannot be protected by copyright. To be protected by copyright, a work must contain at least a certain minimum amount of authorship in the form of original literary, musical, or graphic expression. Names, titles, and other short phrases do not meet these requirements.

# COPYRIGHT OFFICE RECORDS: WHY TITLES ARE LISTED

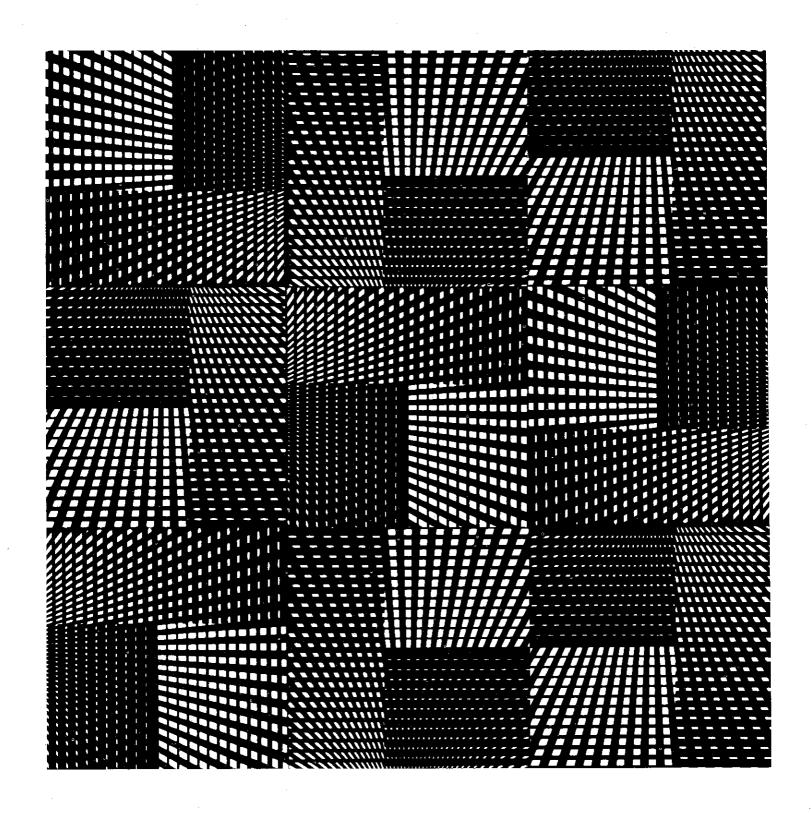
The titles of registered works are filed alphabetically and appear in that order in the indexes and catalogs of the Copyright Office.

However, the presence of a title in the Copyright Office registration records does not mean that the title itself is copyrighted or subject to copyright protection. In many cases, our records show the same or closely similar titles for entirely different works.

# PROTECTION UNDER TRADEMARK OR UNFAIR COMPETITION LAWS

Some brand names, trade names, slogans, and phrases may be entitled to protection under the general rules of law relating to unfair competition, or to registration under the provisions of the trademark laws. The Copyright Office has no jurisdiction in these matters. Questions about the trademark laws should be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Copyright Registration Procedures



# **Copyright Registration Procedures**

#### **COPYRIGHT REGISTRATION**

In general, copyright registration is a legal formality placing on public record the basic facts of a particular copyright. Under the 1976 Copyright Act (title 17, United States Code) which became effective January 1, 1978, a work of original authorship is protected by copyright from the time the work is created in fixed form; registration in the Copyright Office is considered "permissive" or "voluntary," not mandatory, and except in two specific situations,\* is not a condition of copyright itself. However, there are certain advantages to registration, including establishing a public record of the copyright claim, securing the right to file an infringement suit, establishing prima facie evidence of the validity of the copyright, and making available a broader range of remedies in infringement suits.

Under the copyright law in effect before 1978, copyright was secured either on the date a work was published with notice of copyright, or on the date of registration if the work was registered in unpublished form. For information about claims and renewals for works copyrighted before 1978, write to:

Information and Publications Section, LM-455 Copyright Office Library of Congress Washington, D.C. 20559

#### **REGISTRATION PROCEDURES**

To register a claim to copyright in a work, send the following three elements in the same envelope or package to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559:

1. A properly completed application form (use a type-writer or black pen);

- 2. A non-refundable fee of \$10.00 (not cash) for each application:
- 3. A deposit of the work being registered. The deposit requirements will vary in particular situations. The general requirements are as follows:
  - If the work is unpublished, one complete copy or phonorecord.
  - If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.
  - If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.
  - If the work was first published outside the United States, one complete copy or phonorecord of the work as first published, regardless of the date of publication.
  - If the work is a contribution to a collective work, and published after January 1, 1978, one complete copy or phonorecord of the best edition of the collective work.

#### **FEES**

Do not send cash. A fee sent to the Copyright Office for copyright registration should be in the form of a money order, check, or bank draft payable to the Register of Copyrights; it should be securely attached to the application. The copyright registration fee is a filing fee and is non-refundable.

## **MAILING INSTRUCTIONS**

#### Remember:

The application, deposit (copies or phonorecords), and fee should be mailed *in the same package* to:

Register of Copyrights Copyright Office Library of Congress Washington, D.C. 20559

#### **APPLICATION FORMS**

Before you submit an application for registration, choose the most appropriate form. There are presently five kinds of application forms available for original registration—

Under sections 405 and 406 of the Copyright Act, copyright registration may be required to preserve a copyright that would otherwise be invalidated because of the omission of the copyright notice from the published copies or phonorecords, or omission of the name or date, or an error in the year date.

<sup>\*</sup> Works published with notice of copyright prior to January 1, 1978, must be registered and renewed during the first 28-year term of copyright to maintain protection.

Form TX: for published and unpublished non-dramatic literary works (books, pamphlets, computer programs, manuscripts, poems, etc.)

Form SE: for serials: works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely (periodicals, newspapers, magazines, newsletters, annuals, journals, etc.)

Form PA: for published and unpublished works of the performing arts (musical compositions, dramatic works, pantomimes and choreographic works, motion pictures and other audiovisual works)

**Form VA:** for published and unpublished works of the visual arts (pictorial, graphic, and sculptural works)

Form SR: for published and unpublished sound recordings (a sound recording is a work resulting from the fixation of a series of sounds—the author is the performer, or the record producer, or both)

In addition, there is an application form, Form RE, for renewals of claims in works copyrighted under the copyright law in existence before 1978; and a form for corrections and amplifications. Form CA.

Form GR/CP, an adjunct application for copyright registration for a group of contributions to periodicals, is the appropriate form to use when you are submitting a basic application on Form TX, Form PA, or Form VA, for a group of works that qualify for a single registration under section 408 (c)(2) of the copyright statute; please write for Form GR/CP.

Most works will fall naturally into one of the five main categories of copyrightable material. If your work contains copyrightable material falling into two or more classes, choose the one class that is most appropriate for the work as a whole. If your work, however, is an audiovisual work consisting of components which could fall into several classes, choose Form PA. If your claim to copyright includes a claim in the sound recording use Form SR.

Use only the officially printed application form; photocopies or other reproductions of the application form can *not* be accepted.

## **HOW TO ORDER APPLICATION FORMS**

Call (202) 287-9100 at any time to order copyright registration application forms, which are supplied free of charge. Or you may request forms by writing:

Information and Publications Section, LM-455

Copyright Office

Library of Congress

Washington, D.C. 20559

You may also write to the Information and Publications Section for Circular R1, "Copyright Basics," and for further information about copyright.

#### **EFFECTIVE DATE OF REGISTRATION**

Please note that a copyright registration is effective on the date of receipt in the Copyright Office of all the required elements in acceptable form, regardless of the length of time it takes thereafter to process the application and mail the certificate of registration. The length of time required by the Copyright Office to process an application varies from time to time, depending on the amount of material received and the personnel available to handle it.

If you are filing an application for copyright registration in the Copyright Office, you will not receive an acknowledgement that your application has been received (the Office receives more than 500,000 applications annually), but you can expect:

- A letter or telephone call from a copyright examiner if further information is needed; and
- A certificate of registration to indicate the work has been registered, or if the application cannot be accepted, a letter explaining why registration has been refused.

You may not receive either of these until 90 days have passed.

If you want to know when the Copyright Office receives your material, you should send it via registered or certified mail and request a return receipt.

#### NOTICE OF COPYRIGHT

The Copyright Act provides that when a work is published

under the authority of the copyright owner, a notice of copyright must be placed on all publicly distributed copies and on all publicly distributed phonorecords of sound recordings. This notice is required even on works published outside of the United States.

The use of the copyright notice is the responsibility of the copyright owner; the copyright owner need not request advance permission from, or registration with, the Copyright Office before affixing the copyright notice on copies.

## Form of Notice for Visually Perceptible Copies

The notice for visually perceptible copies should contain the following three elements:

- The symbol © (the letter C in a circle), or the word "Copyright," or the abbreviation "Copr."; and
- The year of first publication of the work. In the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient. The year date may be omitted where a pictorial, graphic, or sculptural work, with accompanying textual matter, if any, is reproduced in or on greeting cards, postcards, stationery, jewelry, dolls, toys, or any useful articles; and
- The name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

Example: © 1982 John Doe

The "C in a circle" notice (or other variation of the notice as described above) is required only on "visually perceptible copies." Certain kinds of works, for example, musical, dramatic, and literary works, may be fixed not in "copies" but by means of sound in an audio recording. Since audio recordings such as audio tapes and phonograph disks are "phonorecords" and not "copies," there is no requirement that the phonorecord bear a "C in a circle" notice to protect the underlying musical, dramatic, or literary work that is recorded.

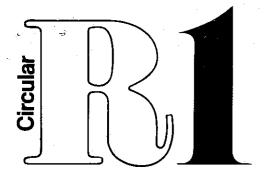
The requirements for the copyright notice for phonorecords of sound recordings are different; please write for Circular R1, "Copyright Basics," for more information.

The Copyright Office has issued regulations concerning the form and position of the copyright notice in the *Code of Federal Regulations* (37 C.F.R. Part 201); for copies of these regulations, write to the Information and Publications Section, LM-455, Copyright Office, Library of Congress, Washington, D.C. 20559, and request Circular R96, Section 201.20.

# MANDATORY DEPOSIT FOR WORKS PUBLISHED IN THE UNITED STATES WITH NOTICE OF COPYRIGHT

Although a copyright registration is not required, the Copyright Act establishes a mandatory deposit requirement for works published with notice of copyright in the United States. In general, the owner of copyright, or the owner of the right of first publication in the work, has a legal obligation to deposit in the Copyright Office, within 3 months of publication in the United States, 2 copies (or in the case of sound recordings, 2 phonorecords) for the use of the Library of Congress. Failure to make the deposit can give rise to fines and other penalties, but does not affect copyright protection.

The Copyright Office has issued regulations exempting certain categories of works from the mandatory deposit requirements, and reducing the obligation for certain other categories. For further information about mandatory deposit, please write to the Gopyright Office for Circular R7d.



# Copyright Basics



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# **Copyright Basics**

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## WHAT COPYRIGHT IS

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works of authorship" including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- To reproduce the copyrighted work in copies or phonorecords;
- To prepare derivative works based upon the copyrighted work:
- To distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- To perform the copyrighted work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomines, and motion pictures and other audiovisual works, and
- To display the copyrighted work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work.

It is illegal for anyone to violate any of the rights provided to the owner of copyright by the Act. These rights, however, are not unlimited in scope. Sections 107 through 118 of the Copyright Act establish limitations on these rights. In some cases, these limitations are specified exemptions from copyright liability. One major limitation is the doctrine of "fair use," which is now given a statutory basis by section 107 of the Act. In other instances, the limitation takes the form of a "compulsory license" under which certain limited uses of copyrighted works are permitted upon payment of specified royalties and compliance with statutory conditions. For fur-

ther information about the limitations of any of these rights, consult the Copyright Act or write to the Copyright Office.

#### WHO CAN CLAIM COPYRIGHT

Copyright protection subsists from the time the work is created in fixed form; that is, it is an incident of the process of authorship. The copyright in the work of authorship *immediately* becomes the property of the author who created it. Only the author or those deriving their rights through the author can rightfully claim copyright.

In the case of works made for hire, the employer and not the employee is presumptively considered the author. Section 101 of the copyright statute defines a "work made for hire" as:

- (1) a work prepared by an employee within the scope of his or her employment; or
- (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. . . .

The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary.

Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

#### **Two General Principles**

 Mere ownership of a book, manuscript, painting, or any other copy or phonorecord does not give the possessor the copyright. The law provides that transfer of ownership of any material object that embodies a protected work does not of itself convey any rights in the copyright.  Minors may claim copyright, but state laws may regulate the business dealings involving copyrights owned by minors. For information on relevant state laws, it would be well to consult an attorney.

## COPYRIGHT AND NATIONAL ORIGIN OF THE WORK

Copyright protection is available for all unpublished works, regardless of the nationality or domicile of the author.

Published works are eligible for copyright protection in the United States if any one of the following conditions is met:

- On the date of first publication, one or more of the authors is a national or domiciliary of the United States or is a national, domiciliary, or sovereign authority of a foreign nation that is a party to a copyright treaty to which the United States is also a party, or is a stateless person wherever that person may be domiciled; or
- The work is first published in the United States or in a foreign nation that, on the date of first publication, is a party to the Universal Copyright Convention; or the work comes within the scope of a Presidential proclamation.

## THE MANUFACTURING CLAUSE

The manufacturing clause in the copyright law, section 601 of the 1976 Copyright Act (title 17, U.S. Code), was extended by Congress in July 1982 until July 1, 1986; without this congressional action, the manufacturing provisions in the copyright law would have expired on July 1, 1982.

The manufacturing clause applies only to published works, primarily textual, written by United States authors or domiciliaries. The provisions require that copies of a work "consisting preponderantly of nondramatic literary material that is in the English language" be manufactured in the United States or Canada in order to be lawfully imported and publicly distributed in the United States. There are several exceptions to the provisions; they relate to three general categories: the nature of the work, the processes used to manufacture the copies, or certain facts existing at the time of importation or distribution of copies in the United States. One of the exceptions of the third type provides for the issuance of an Import Statement which will permit the importation of up to 2,000 copies of a foreign edition when certain conditions are met.

For further information on the issuance of import statements (Form IS), please write to:

Information and Publications Section, LM-455 Copyright Office Library of Congress Washington, D.C. 20559

#### WHAT WORKS ARE PROTECTED

Copyright protection exists for "original works of authorship" when they become fixed in a tangible form of expression. The fixation does not need to be directly perceptible, so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

- (1) literary works;
- (2) musical works, including any accompanying words;
- (3) dramatic works, including any accompanying music;
- (4) pantomimes and choreographic works;
- (5) pictorial, graphic, and sculptural works;
- (6) motion pictures and other audiovisual works; and
- (7) sound recordings.

This list is illustrative and is not meant to exhaust the categories of copyrightable works. These categories should be viewed quite broadly so that, for example, computer programs and most "compilations" are registrable as "literary works"; maps and architectural blueprints are registrable as "pictorial, graphic, and sculptural works."

#### WHAT IS NOT PROTECTED BY COPYRIGHT

Several categories of material are generally not eligible for statutory copyright protection. These include among others:

- Works that have not been fixed in a tangible form of expression. For example: choreographic works which have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded.
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents.
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration.

 Works consisting entirely of information that is common property and containing no original authorship. For example: standard calendars, height and weight charts, tape measures and rules, and lists or tables taken from public documents or other common sources.

## **HOW TO SECURE A COPYRIGHT**

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# Copyright Secured Automatically Upon Creation

The way in which copyright protection is secured under the present law is frequently misunderstood. No publication or registration or other action in the Copyright Office is required to secure copyright under the present law, unlike the previous law, which required either publication with the copyright notice or registration in the Copyright Office (see NOTE below). There are, however, certain definite advantages to registration. (See page 9.)

Under the present law, copyright is secured automatically when the work is created, and a work is "created" when it is fixed in a copy or phonorecord for the first time. In general, "copies" are material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as books, manuscripts, sheet music, film, videotape, or microfilm. "Phonorecords" are material objects embodying fixations of sounds (excluding, by statutory definition, motion picture soundtracks), such as audio tapes and phonograph disks. Thus, for example, a song (the

NOTE: Before 1978; skalutory copyright was generally secured by the acher publication with notice of copyright assuming compliance with all other relevant statutory conditions. Works in the public domain on Japuary 1; 1978 (for example, works published without satisfying all conditions for securing statutory copynight under the Copyright Act of 1909) remain in the public domain under the current Act.

Siaturory copyright could also be secured before f978 by the act of registration in the case of certain unpublished works and works eligible for ad interim copyright. The current Act automatically extends to full term copyright (section 304 sets the term) for all works in which an interim copyright was subsisting or was capable of being secured on December ST, 1977.

"work") can be fixed in sheet music ("copies") or in phonograph disks ("phonorecords"), or both.

If a work is prepared over a period of time, the part of the work existing in fixed form on a particular date constitutes the created work as of that date.

#### **PUBLICATION**

Publication is no longer the key to obtaining statutory copyright as it was under the Copyright Act of 1909. However, publication remains important to copyright owners.

The Copyright Act defines publication as follows:

"Publication" is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication.

A further discussion of the definition of "publication" can be found in the legislative history of the Act. The legislative reports define "to the public" as distribution to persons under no explicit or implicit restrictions with respect to disclosure of the contents. The reports state that the definition makes it clear that the sale of phonorecords constitutes publication of the underlying work, for example, the musical, dramatic, or literary work embodied in a phonorecord. The reports also state that it is clear that any form of dissemination in which the material object does not change hands, for example, performances or displays on television, is not a publication no matter how many people are exposed to the work. However, when copies or phonorecords are offered for sale or lease to a group of wholesalers, broadcasters, or motion picture theaters, publication does take place if the purpose is further distribution, public performance, or public display.

Publication is an important concept in the copyright law because upon publication, several significant consequences follow. Among these are:

- When a work is published, all published copies should bear a notice of copyright. (See discussion below of "notice of copyright.")
- Works that are published with notice of copyright in the United States are subject to mandatory deposit with the

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Library of Congress. (See discussion on page 10 on "mandatory deposit.")

- Publication of a work can affect the limitations on the exclusive rights of the copyright owner that are set forth in sections 107 through 118 of the law.
- The year of publication is used in determining the duration of copyright protection for anonymous and pseudonymous works (when the author's identity is not revealed in the records of the Copyright Office) and for works made for hire.
- Deposit requirements for registration of published works differ from those for registration of unpublished works. (See discussion on page 9 of "copyright registration" procedures.)

#### **NOTICE OF COPYRIGHT**

When a work is published under the authority of the copyright owner, a notice of copyright should be placed on all publicly distributed copies and on all publicly distributed phonorecords of sound recordings. This notice is required even on works published outside of the United States. Failure to comply with the notice requirement can result in the loss of certain additional rights otherwise available to the copyright owner.

The use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from, or registration with, the Copyright Office.

# Form of Notice for Visually Perceptible Copies

The notice for visually perceptible copies should contain all of the following three elements:

- 1. The symbol © (the letter C in a circle), or the word "Copyright," or the abbreviation "Copr."
- 2. The year of first publication of the work. In the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient. The year date may be omitted where a pictorial, graphic, or sculptural work, with accompanying textual matter, if any, is reproduced in or on greeting cards, postcards, stationery, jewelry, dolls, toys, or any useful articles.
- 3. The name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

Example: © 1982 John Doe

The "C in a circle" notice is required only on "visually perceptible copies." Certain kinds of works, for example, musical, dramatic, and literary works, may be fixed not in "copies" but by means of sound in an audio recording. Since audio recordings such as audio tapes and phonograph disks are "phonorecords" and not "copies," there is no requirement that the phonorecord bear a "C in a circle" notice to protect the underlying musical, dramatic, or literary work that is recorded.

## Form of Notice for Phonorecords of Sound Recordings

The copyright notice for phonorecords of sound recordings\* has somewhat different requirements. The notice appearing on phonorecords should contain the following three elements:

- The symbol (the letter P in a circle); and
- The year of first publication of the sound recording; and
- The name of the owner of copyright in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner. If the producer of the sound recording is named on the phonorecord labels or containers, and if no other name appears in conjunction with the notice, the producer's name shall be considered a part of the notice.

Example: @ 1982 A.B.C., Inc.



## **Position of Notice**

The notice should be affixed to copies or phonorecords of the work in such a manner and location as to "give reasonable notice of the claim of copyright." The notice on phonorecords may appear on the surface of the phonorecord or on

<sup>\*</sup>Sound recordings are defined as "works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work, regardless of the nature of the material objects, such as disks, tapes, or other phonorecords, in which they are embodied."

the phonorecord label or container, provided the manner of placement and location gives reasonable notice of the claim. The three elements of the notice should ordinarily appear together on the copies or phonorecords. The Copyright Office has issued regulations concerning the form and position of the copyright notice in the *Code of Federal Regulations* (37 C.F.R. Part 201); copies of these regulations are available from the Copyright Office as Circular R96 201.20.

# Publications Incorporating United States Government Works

Whenever a work is published in copies or phonorecords consisting preponderantly of one or more works of the United States Government, the notice of copyright shall also include a statement identifying, either affirmatively or negatively, those portions of the copies or phonorecords embodying any work or works protected by title 17 of the United States Code.

# **Unpublished Works**

The copyright notice is not required on unpublished works. To avoid an inadvertent publication without notice, however, it may be advisable for the author or other owner of the copyright to affix notices, or a statement such as *Unpublished Work* © 1982 John Doe, to any copies or phonorecords which leave his or her control.

# Effect of Omission of the Notice or of Error in the Name or Date

Unlike the law in effect before 1978, the new Copyright Act, in sections 405 and 406, provides procedures for correcting errors and omissions of the copyright notice on works published on or after January 1, 1978.

In general, the omission or error does not automatically invalidate the copyright in a work if registration for the work has been made before or is made within 5 years after the publication without notice, and a reasonable effort is made to add the notice to all copies or phonorecords that are distributed to the public in the United States after the omission has been discovered.

# HOW LONG COPYRIGHT PROTECTION ENDURES

Works Originally Copyrighted on or After January 1, 1978

A work that is created (fixed in tangible form for the first time) on or after January 1, 1978, is automatically protected from the moment of its creation, and is ordinarily given a term enduring for the author's life, plus an additional 50 years after the author's death. In the case of "a joint work prepared by two or more authors who did not work for hire," the term lasts for 50 years after the last surviving author's death. For works made for hire, and for anonymous and pseudonymous works (unless the author's identity is revealed in Copyright Office records), the duration of copyright will be 75 years from publication or 100 years from creation, whichever is shorter.

Works that were created before the present law came into effect, but had neither been published nor registered for copyright before January 1, 1978, have been automatically brought under the statute and are now given Federal copyright protection. The duration of copyright in these works will generally be computed in the same way as for works created on or after January 1, 1978: the life-plus-50 or 75/100-year terms will apply to them as well. However, all works in this category are guaranteed at least 25 years of statutory protection.

# Works Copyrighted Before January 1, 1978

Under the law in effect before 1978, copyright was secured either on the date a work was published, or on the date of registration if the work was registered in unpublished form. In either case, the copyright endured for a first term of 28 years from the date it was secured. During the last (28th) year of the first term, the copyright was eligible for renewal. The new copyright law has extended the renewal term from 28 to 47 years for copyrights that were subsisting on January 1, 1978, making these works eligible for a total term of protection of 75 years. However, the copyright must be timely renewed to receive the 47-year period of added protection. For more detailed information on the copyright term, write to the Copyright Office and request Circulars R15a and R15t. For information on how to search the Copyright Office records concerning the copyright status of a work, ask for Circular R22.

# TRANSFER OF COPYRIGHT

Any or all of the exclusive rights, or any subdivision of those rights, of the copyright owner may be transferred, but the transfer of *exclusive* rights is not valid unless that transfer is in writing and signed by the owner of the rights con-

veyed (or such owner's duly authorized agent). Transfer of a right on a nonexclusive basis does not require a written agreement.

A copyright may also be conveyed by operation of law and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession.

Copyright is a personal property right, and it is subject to the various state laws and regulations that govern the ownership, inheritance, or transfer of personal property as well as terms of contracts or conduct of business. For information about relevant state laws, consult an attorney.

Transfers of copyright are normally made by contract. The Copyright Office does not have or supply any forms for such transfers. However, the law does provide for the recordation in the Copyright Office of transfers of copyright ownership. Although recordation is not required to make a valid transfer as between the parties, it does provide certain legal advantages and may be required to validate the transfer as against third parties. For information on recordation of transfers and other documents related to copyright, write to the Copyright Office for Circular R12.

#### **TERMINATION OF TRANSFERS**

Under the previous law, the copyright in a work generally reverted to the author, if living, or if the author was not living, to other specified beneficiaries, provided a renewal claim was registered in the 28th year of the original term. The present law drops the renewal feature except for works already in their first term of statutory protection when the present law took effect. Instead, the present law generally permits termination of a grant of rights after 35 years under certain conditions by serving written notice on the transferee within specified time limits.

For works already under statutory copyright protection, the present law provides a similar right of termination covering the newly added years that extended the former maximum term of the copyright from 56 to 75 years. For further information, write to the Copyright Office for Circulars R15a and R15t.

#### INTERNATIONAL COPYRIGHT PROTECTION

There is no such thing as an "international copyright" that will automatically protect an author's writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws

of that country. However, most countries do offer protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions. For a list of countries which maintain copyright relations with the United States, write to the Copyright Office and ask for Circular R38a.

The United States is a member of the Universal Copyright Convention (the UCC), which came into force on September 16, 1955. Generally, a work by a national or domiciliary of a country that is a member of the UCC or a work first published in a UCC country may claim protection under the UCC. If the work bears the notice of copyright in the form and position specified by the UCC, this notice will satisfy and substitute for any other formalities a UCC member country would otherwise impose as a condition of copyright. A UCC notice should consist of the symbol © accompanied by the name of the copyright proprietor and the year of first publication of the work.

An author who wishes protection for his or her work in a particular country should first find out the extent of protection of foreign works in that country. If possible, this should be done before the work is published anywhere, since protection may often depend on the facts existing at the time of first publication.

If the country in which protection is sought is a party to one of the international copyright conventions, the work may generally be protected by complying with the conditions of the convention. Even if the work cannot be brought under an international convention, protection under the specific provisions of the country's national laws may still be possible. Some countries, however, offer little or no copyright protection for foreign works.

#### **COPYRIGHT REGISTRATION**

In general, copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. However, except in two specific situations,\* registration is not a condition of copyright protection.

<sup>\*</sup>Works published with notice of copyright prior to January 1, 1978, must be registered and renewed during the first 28-year term of copyright to maintain protection

Under sections 405 and 406 of the Copyright Act, copyright registration may be required to preserve a copyright that would otherwise be invalidated because the copyright notice was omitted from the published copies or phonorecords, or the name or year date was omitted, or certain errors were made in the year date.

Even though registration is not generally a requirement for protection, the copyright law provides several inducements or advantages to encourage copyright owners to make registration. Among these advantages are the following:

- Registration establishes a public record of the copyright claim;
- Registration is ordinarily necessary before any infringement suits may be filed in court;
- If made before or within 5 years of publication, registration will establish prima facie evidence in court of the validity of the copyright and of the facts stated in the certificate; and
- If registration is made within 3 months after publication of the work or prior to an infringement of the work, statutory damages and attorney's fees will be available to the copyright owner in court actions. Otherwise, only an award of actual damages and profits is available to the copyright owner.

Registration may be made at any time within the life of the copyright. Unlike the law before 1978, when a work has been registered in unpublished form, it is not necessary to make another registration when the work becomes published (although the copyright owner may register the published edition, if desired).

NOTE: Before 1978, the appright law required, as a condition for copyright protestion, that all copies published with the authorization of the copyright owner spear a proper notice. If a work was published under the appright owner's authority before January 1, 1978, that a proper copyright notice, all copyright protection that work was permanently lost in the United as. The new copyright law does not provide retro-

# **REGISTRATION PROCEDURES**

#### In General

To register a work, send the following three elements to the Copyright Office *in the same envelope or package* to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559: (see page 12 for what happens if the elements are sent separately).

- 1. A properly completed application form;
- 2. A nonreturnable filing fee of \$10 for each application;
- 3. A deposit of the work being registered. The deposit requirements will vary in particular situations. The general requirements are as follows:
- If the work is unpublished, one complete copy or phonorecord.
- If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.
- If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.
- If the work was first published outside the United States, whenever published, one complete copy or phonorecord of the work as first published.
- If the work is a contribution to a collective work, and published after January 1, 1978, one complete copy or phonorecord of the best edition of the collective work.

NOTE: COMPLETE THE APPLICATION FORM USING BLACK INK PEN OF TYPEWRITER. After registration is completed, the application form becomes a part of the official permanent records of the Copyright Office so the application forms must meet arctival standards. Therefore, applications should be submitted on the forms printed and issued by the Copyright Office. Because the certificate itself will be reproduced from the application by xerrographic process, it should be completed legibly in black link of typewritten.

## **Unpublished Collections**

A work may be registered in unpublished form as a "collection," with one application and one fee, under the following conditions:

- The elements of the collection are assembled in an orderly form;
- The combined elements bear a single title identifying the collection as a whole;
- The copyright claimant in all the elements and in the collection as a whole is the same; and
- 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.

Unpublished collections are indexed in the Catalog of Copyright Entries only under the collection titles.

## **Special Deposit Requirements**

The Copyright Act gives the Register of Copyrights authority to issue regulations making adjustments in the statutory deposit requirements. These regulations as now issued require or permit, for particular classes, the deposit of identifying material instead of copies or phonorecords, the deposit of only one copy or phonorecord where two would normally be required, and in some cases material other than complete copies of the best edition. For example, the regulations ordinarily require deposit of identifying material, such as photographs or drawings, when the work being registered has been reproduced in three-dimensional copies.

If you are unsure of the proper deposit required for your work, write to the Copyright Office for that information and describe the work you wish to register.

# NOTE: LIBRARY OF CONGRESS CATALOGAZARD NUMBERS

A Library of Congress Catalog Calciplatinian is defined from a copyright registration in production (CIP) Division of the Cip and Catalog Cata

# CORRECTIONS AND AMPLIFICATIONS OF EXISTING REGISTRATIONS

To deal with cases in which information in the basic registration later turns out to be incorrect or incomplete, the law provides for "the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration." The information in a supplementary registration augments but does not supersede that contained in the earlier registration. Note also that a supplementary registration is not a substitute for an original registration or for a renewal registration. Form CA is available from the Copyright Office for making a supplementary registration. For further information about supplementary registrations, write for Circular R8.

# MANDATORY DEPOSIT FOR WORKS PUBLISHED IN THE UNITED STATES WITH NOTICE OF COPYRIGHT

Although a copyright registration is not required, the Copyright Act establishes a mandatory deposit requirement for works published with notice of copyright in the United States (see definition of "publication" on page 5). In general, the owner of copyright, or the owner of the right of first publication in the work, has a legal obligation to deposit in the Copyright Office, within 3 months of publication in the United States, 2 copies (or, in the case of sound recordings, 2 phonorecords) for the use of the Library of Congress. Failure to make the deposit can result in fines and other penalties, but does not affect copyright protection.

The Copyright Office has issued regulations exempting certain categories of works entirely from the mandatory deposit requirements, and reducing the obligation for certain other categories. For further information about mandatory deposit, please write to the Copyright Office for Circular R7d.

# USE OF MANDATORY DEPOSIT TO SATISFY REGISTRATION REQUIREMENTS

With respect to works published in the United States the Copyright Act contains a special provision under which a single deposit can be made to satisfy both the deposit requirements for the Library and the registration requirements. The provision requires that, in order to have this dual effect, the copies or phonorecords must be "accompanied by the prescribed application and fee" for registration.

#### WHO MAY FILE AN APPLICATION FORM

The following persons are legally entitled to submit an application form:

- The author. This is either the person who actually created the work, or, if the work was made for hire, the employer or other person for whom the work was prepared.
- The copyright claimant. The copyright claimant is defined in Copyright Office regulations as either the author of the work or a person or organization that has obtained ownership of all the rights under the copyright initially belonging to the author. This category includes a person or organization who has obtained by contract the right to claim legal title to the copyright in an application for copyright registration.
- The owner of exclusive right(s). Under the new law, any of the exclusive rights that go to make up a copyright and any subdivision of them can be transferred and owned separately, even though the transfer may be limited in time or place of effect. The term "copyright owner" with respect to any one of the exclusive rights contained in a copyright refers to the owner of that particular right. Any owner of an exclusive right may apply for registration of a claim in the work.
- The duly authorized agent of such author, other copyright claimant, or owner of exclusive right(s). Any person authorized to act on behalf of the author, other copyright claimant, or owner of exclusive right(s) may apply for registration.

There is no requirement that applications be prepared or filed by an attorney.

## **APPLICATION FORMS**

## For Original Registration

Form TX: for published and unpublished non-

dramatic literary works

Form SE: for serials, works issued or intended to be

> issued in successive parts bearing numerical or chronological designations and

intended to be continued indefinitely (periodicals, newspapers, magazines, newsletters, annuals, journals, etc.)

Form PA:

for published and unpublished works of the performing arts (musical and dramatic works, pantomimes and choreographic works, motion pictures and other audiovisual works)

Form VA:

for published and unpublished works of the visual arts (pictorial, graphic, and sculptural works)

Form SR:

for published and unpublished sound recordings

## For Renewal Registration

Form RE:

for claims to renewal copyright in works copyrighted under the law in effect through December 31, 1977 (1909 Copyright Act)

#### For Corrections and Amplifications

Form CA:

for supplementary registration to correct or amplify information given in the Copyright Office record of an earlier registration

## **Other Forms for Special Purposes**

Form GR/CP: an adjunct application to be used for registration of a group of contributions to periodicals in addition to an application Form

TX, PA, or VA

Form IS:

request for issuance of an import statement under the manufacturing provisions

of the Copyright Act

Application forms are supplied by the Copyright Office free of charge.

## FORMS HOTLINE

NOTE: Requestors may order application forms at any time say telephoning (202) 287-9100. Orders will be recorded automatically and filled as quickly as

#### MAILING INSTRUCTIONS

All applications and materials related to copyright registration sent to the Copyright Office should be addressed to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559.

The application, deposit (copies or phonorecords), and nonreturnable filing fee should be mailed in the same package.

# WHAT HAPPENS IF THE THREE ELEMENTS ARE NOT RECEIVED TOGETHER

Applications and fees received without copies or phonorecords will not be processed and will ordinarily be returned. Unpublished deposits alone will ordinarily be returned, also. Published deposits received without applications and fees will be immediately transferred to the collections of the Library of Congress. This practice is in accordance with section 408 of the law which provides that the published deposit required for the collections of the Library of Congress may be used for registration only if the deposit is "accompanied by the prescribed application and fee . . ."

After the deposit is received and transferred to another department of the Library for its collections or other disposition, it is no longer available to the Copyright Office; the custody of that deposit has also been transferred to the other department. Then, if you wish to make copyright registration, you must deposit additional copies or phonorecords with your application and fee.

## **FEES**

Do not send cash. Fees sent to the Copyright Office should be in the form of a money order, check, or bank draft payable to the Register of Copyrights; it should be securely attached to the application.

#### **EFFECTIVE DATE OF REGISTRATION**

Please note that a copyright registration is effective

on the date of receipt in the Copyright Office of all the required elements in acceptable form, regardless of the length of time it takes thereafter to process the application and mail the certificate of registration. The length of time required by the Copyright Office to process an application varies from time to time, depending on the amount of material received and the personnel available to handle it. It must also be kept in mind that it may take a number of days for mailed material to reach the Copyright Office and for the certificate of registration to reach the recipient after being mailed by the Copyright Office.

If you are filing an application for copyright registration in the Copyright Office, you *will not* receive an acknowledgement that your application has been received (the Office receives more than 500,000 applications annually), but you can expect:

- A letter or telephone call from a copyright examiner if further information is needed;
- A certificate of registration to indicate the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected.

You may not receive either of these until 90 days have passed.

If you want to know when the Copyright Office receives your material, you should send it via registered or certified mail and request a return receipt.

#### **AVAILABLE INFORMATION**

This circular attempts to answer some of the questions that are frequently asked about copyright. For a list of other material published by the Copyright Office, write for "Publications on Copyright." Any requests for Copyright Office publications or special questions relating to copyright problems not mentioned in this circular should be addressed to the Information and Publications Section, LM-455, Copyright Office, Library of Congress, Washington, D.C. 20559.

The Copyright Office is not permitted to give legal advice. If you need information or guidance on matters such as disputes over the ownership of a copyright, suits against possible infringers, the procedure for getting a work published, or the method of obtaining royalty payments, it may be necessary to consult an attorney.

Circular

Copyright Registration for Serials on Form SE



# Copyright Registration for Serials on Form SE

#### INTRODUCTION

This circular provides background information about the registration of copyright claims in serials using Form SE. It supplements, but does not replace, the line-by-line instructions given on Form SE.

#### IN GENERAL

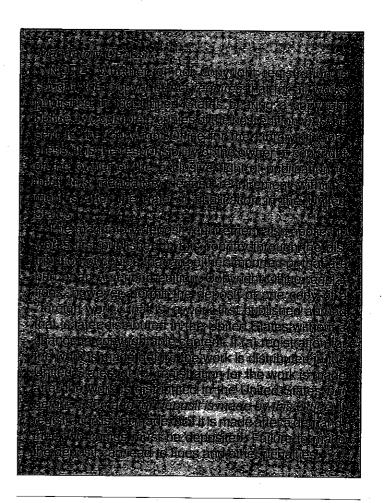
The Copyright Act of the United States (title 17, United States Code) provides for copyright protection in literary and artistic works. Under the copyright statute which became effective January 1, 1978, copyright is secured automatically when a work is created in a fixed medium.

Copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright; except in two specific situations,\* registration is voluntary and is not a condition of copyright protection. Registration provides certain advantages, including establishing the public record, establishing the right to bring an infringement suit, and securing a broader range of remedies in infringement suits.

## **SERIALS**

For copyright purposes, serials are defined as works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely. The classification "serial" includes periodicals, newspapers, magazines, bulletins, newsletters, annuals, journals, and proceedings of societies, as well as other similar works.

Under sections 405 and 406 of the Copyright Act, copyright registration may be required to preserve a copyright that would otherwise be invalidated because the copyright notice was omitted from the published copies or phonorecords, or the name or year date was omitted, or certain errors were made in the year date.



### **USE FORM SE TO REGISTER A SERIAL ISSUE**

Serials should be registered on Form SE.

You can obtain application Form SE free of charge by sending a specific request, identifying the number of forms you need, to:

Information and Publications Section, LM-455

Copyright Office

Library of Congress

Washington, D.C. 20559

or by calling the Forms Hotline (202) 287-9100 and leaving a recorded message.

NOTE: A claim to copyright in a serial issue does not give blanket protection for other issues published under the same serial title. Each serial issue is considered a separate work for copyright purposes and should be registered separately. For example, registration of "vol. 1, no. 1" of Country Doctor applies only to that issue, and not to "vol. 1, no. 2."

<sup>\*</sup>Works published with notice of copyright prior to January 1, 1978, must be registered and renewed during the first 28-year term of copyright to maintain protection.

# **HOW TO REGISTER A SERIAL ISSUE**

To register a serial issue, send the following three elements together in the same envelope or package to:

Register of Copyrights Copyright Office Library of Congress Washington, D.C. 20559

- 1. A properly completed and signed application Form SE (use typewriter or black ink); be sure that the date on which the application is signed is the same as or later than the date the serial issue was published.
- 2. A non-returnable filing fee of \$10 (check, money order, or bank draft, not cash) payable to: Register of Copyrights.
- 3. Two copies of the serial issue to be registered. (Send only one copy of the serial issue if the issue is unpublished, or if the issue was first published outside of the United States.)

If you plan to register many successive claims to copyright, you may wish to open a Deposit Account in the Copyright Office from which the \$10 fee for each registration and other services may be paid. For further information about Deposit Accounts, write for Circular R5.

NOTE: If you are filing an application to the tempt of the policy of the copyright office, you will need to be a copyright office, you will need to be a copyright of the form application that been because there than also one applications annually. But you can applications annually. But you can applicate.

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# SERIALS: THE AUTHOR AND COPYRIGHT CLAIMANT

The following information is provided to help the applicant determine how to complete the authorship and claimant portions of application Form SE.

# Authorship: Copyright Begins With the Author At Creation

At the time an original work is created in fixed form, copyright is automatically secured. At that moment, all the rights comprising that copyright belong to the author of the work. Those rights remain with the author unless the author specifically transfers them, in writing, to someone else. Ownership of the rights can change, but the fact of authorship—that is, who is the author of the work—remains the same regardless of who subsequently owns the rights that initially belonged to that author.

# Authorship: Work Made for Hire

Ordinarily, the person who actually creates the work is considered the author. However, the copyright law provides that in the case of a "work made for hire," the **employer** is the "author" of the work, and is therefore the initial owner of copyright unless the parties have expressly agreed otherwise. A "work made for hire" is either

- "A work prepared by an employee within the scope of his or her employment," or
- Under certain conditions as defined by the copyright law (section 101), a "specially ordered or commissioned work" where the parties have agreed in writing that the commissioned work shall be considered a "work made for hire."

"Made for hire" serials which fall into the first kind of "work made for hire" definition are characterized by employer-employee relationships in which the employees prepare the work within the scope of their employment, and the employer has the power to control or supervise the employees' work. This "work for hire" concept inherently requires that the employer be the initiating or motivating factor in causing the work to be created, and that the employer bear the expense of bringing the work into being. In those cases where an organization uses the efforts of volunteers in the creation of a work, the work may still be considered a "work made for hire" even though those volunteers were not specifically paid by the organization.

In conclusion, for the purpose of copyright registration, the author of a work is either the individual who, independently and in his/her own right, actually created the work, or in the case of a "work made for hire," the organization or individual who caused the work to be created. (See Sample Forms I and III.)

## **Authorship: Collective Works**

Most serials are collective works in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole. Two categories of authorship are inherent in the creation of collective works:

- · Authorship of the collective work as a whole, and
- Authorship of the individual contributions to the collective work.

Authorship of the collective work as a whole includes the elements of revising, editing, compiling, and similar authorship that went into putting the work into final form.

While the author of a serial issue as a whole is sometimes an individual person, the author is more typically the organization (corporation, society, club) which directed the preparation of the serial issue as a whole. In the more typical case, the serial issue is a "work made for hire," and the employer's authorship includes not only the collective authorship (described above) but also any individual contributions which employees of the employer prepare while working within the scope of their employment.

#### THE CLAIMANT AND THE EXTENT OF THE CLAIM

The copyright claimant in a serial issue is generally the person, organization, or legal entity authorized to claim copyright in the serial issue. The claimant in a serial issue is the author (often the "employer for hire"), if the serial issue is a "work made for hire" as described in the previous paragraphs.

The claimant registering a serial is entitled to claim copyright not only in the collective-work authorship for which the claimant is responsible (for example, the editing and compiling of the issue as a whole plus any individual contributions written by employees-for-hire of the author), but also in any independently authored contributions in which all rights have been transferred by the contributors to the serial issue claimant.

## Independently authored contributions in which all

## rights have not been transferred by the contributor to the claimant in the serial issue as a whole

If the serial issue includes any independently authored contributions in which all rights have *not* been transferred by the contributor to the claimant for the serial issue as a whole, those contributions are not included in the claim being registered in the serial issue because the claimant in the contribution is different from the claimant in the serial issue as a whole.

A separately authored contribution *can*, however, be registered for copyright independently. To register such a contribution, the contributor would need to file a separate claim using Form TX or other appropriate application form. (See Sample Form IV).

# HOW TO COMPLETE THE AUTHORSHIP AND CLAIMANT PORTIONS OF FORM SE

## Authorship—Space 2

Form SE is designed to capture the authorship information as simply as possible at Space 2. The applicant must decide who is the author of the serial issue covered by the claim (typically the author is a corporation or other legal entity), and check "yes" or "no" as to whether the material produced by that author is a "work made for hire." Therefore, in the case of the typical serial issue which is made for hire, the applicant should give at Space 2 the full legal name of the employer and check "yes" to show that the work was made for hire. (See Sample Form I).

### Collective Work Space—Space 2

To facilitate describing what material was created by the author, Form SE provides a choice of checking a box marked "Collective Work" or completing a blank labelled "Other." Checking the box marked "Collective Work" indicates authorship of the collective work as a whole (that is, the editing and compiling of the issue as a whole) plus any individual made-for-hire contributions written by employees of the author, and individual contributions in which all rights have been transferred to the collective author.

The applicant is not required to describe the authorship in more specific terms if the "Collective Work" box is checked. However, examples of authorship descriptions which could be given in lieu of checking the "Collective Work" box and which could apply both to organization and individual au-

thors include "text," "text and illustrations," "editorial revision, compilation, and additional new material."

## Authorship—Space 2 and Space 4 Transfer Statement

When a serial issue includes independently authored contributions in which all rights have been transferred in writing to the claimant of the entire serial issue, the names of the contributors may be given at Space 2 of Form SE, but this information is not required. Whether those contributors are listed or not, the copyright claim in the serial issue as a whole would extend to those contributions. (See Sample Forms II (a), (b), and (c).)

NOTE: If the applicant does elect to include on the form

the names of those contributors who transferred their rights in the contributions to the serial claimant, then the application *must* include at *Space 4* a brief transfer statement explaining how the rights were transferred: for example, "by written agreement," or "by assignment."

As a general rule, whenever the name of the serial claimant at Space 4 of the application is not exactly the same as the name of the author at Space 2, a transfer statement is required at Space 4. Conversely, when exactly the same name or names appear as author and claimant at Spaces 2 and 4, there is no need to complete the "transfer" space.

The following examples illustrate more specifically how to complete the author and claimant portions of Form SE.



# Sample Form I

Gardening Magazine is published by the XYZ Publishing Company. The staff of the publishing company edits and compiles the magazine each month and also contributes certain articles to each month's issue. XYZ Publishing Co. wishes to register the June 1982 issue of the magazine.

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Sample Form II (a)

The July issue of *Gardening Magazine* contains an article written by Sharon Rose. When XYZ Publishing Company completes a Form SE for that issue, they want to show that their claim includes not only the collective-work authorship as usual, but also the article by Ms. Rose who has assigned all rights in that article to XYZ Publishing Company. For registration purposes, the Copyright Office will accept an application reflecting this fact situation in any of the ways illustrated by Sample Forms II (a), (b), and (c).

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Sample Form II (b)

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## Sample Form III

John Smith publishes *Smithtown Happenings* and employs a staff to compile and edit articles and to write certain portions of the magazine. Mr. Smith files an application to register the Summer '82 issue of his serial. He lists himself as "employer for hire" to indicate that the work was prepared by employees under his direction.

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Sample Form IV

Mary Jones wrote an article that was published in the Summer '82 edition of Smithtown Happenings. She did not transfer all rights in her article to the publisher John Smith: instead she merely gave Smith the right of first publication of the article. Mary Jones now wants to register her copyright claim in the article. She completes page 1 of Application Form TX, as illustrated in Sample Form IV.

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	PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a percollective work in which the contribution appeared. Title of Collective Work ▼ Smithtown Happenings	eriodical, serial, or collection, give information about the
	If published in a periodical or serial give: Volume ▼ Number ▼	Issue Date ♥ On Pages ♥
	III 3	Summer 1982 12-16
	NAME OF AUTHOR♥  Mary Jones	DATES OF BIRTH AND DEATH Year Born ♥ Year Died ♥
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	"work made for hire"? Name of Country  U.S.A.	Anonymous? Yes No of these questions Yes," see detailed
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ive the space dales of birth d death blank.  death blank.	☐ Yes ☐ No NATURE OF AUTHORSHIP  Streetly describe nature of the material created by this author in  YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given 1982  ✓ Year in eli cases.  COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.▼  Mary Jones Author's Street	Pseudonymous?

## THE COPYRIGHT NOTICE

For published works, the law provides that a copyright notice in a specified form "shall be placed on all publicly distributed copies from which the work can be visually perceived." The copyright owner is responsible for putting the copyright notice on the work; the copyright owner does not need to obtain permission from the Copyright Office to do this.

The required form of the notice for copies generally consists of three elements:

- The symbol © (the letter C in a circle), or the word "Copyright," or the abbreviation "Copr."
- 2. The year of first publication of the work.
- 3. The name of the owner of copyright.

Example: "© 1981 National News Publishers, Inc."

The notice is to be affixed to the copies "in such manner and location to give reasonable notice of the claim of copyright."

The Copyright Office has issued regulations concerning the form and position of the copyright notice in the Code of Federal Regulations (37 C.F.R. Part 201); these regulations are available from the Copyright Office as Circular R96, Section 201.20.

According to the regulations, any of the following locations for the copyright notice are acceptable for serials:

- (i) as a part of, or adjacent to, the masthead;
- (ii) on the page containing the masthead if the notice is reproduced prominently and is set apart from the other matter appearing on the page; or
- (iii) adjacent to a prominent heading, appearing at or near the front of the issue, containing the title of the periodical or serial and any combination of the volume and issue number and date of the issue.

In addition, all of the following locations which generally pertain to books are also acceptable locations for the copyright notice on serials:

- (1) The title page, if any;
- (2) The page immediately following the title page, if any:
- (3) Either side of the front cover, if any; or, if there is no front cover, either side of the front leaf of the copies;
  - (4) Either side of the back cover, if any; or, if there is

no back cover, either side of the back leaf of the copies;

- (5) The first page of the main body of the work;
- (6) The last page of the main body of the work;
- (7) Any page between the front page and the first page of the main body of the work, if: (i) There are no more than ten pages between the front page and the first page of the main body of the work; and (ii) the notice is reproduced prominently and is set apart from other matter on the page where it appears;
- (8) Any page between the last page of the main body of the work and back page, if: (i) There are no more than ten pages between the last page of the main body of the work and the back page; and (ii) the notice is reproduced prominently and is set apart from the other matter on the page where it appears.

The following regulation applies to the placement of the copyright notice on copies of separate contributions to collective works when the individual wishes the contribution to "bear its own notice of copyright":

- (f) Contributions to Collective Works. For a separate contribution to a collective work to be considered to "bear its own notice of copyright," as provided by 17 U.S.C. 404, a notice reproduced on the copies in any of the following positions is acceptable:
- (1) Where the separate contribution is reproduced on a single page, a notice is acceptable if it appears: (i) Under the title of the contribution on that page; (ii) adjacent to the contribution; or (iii) on the same page if, through format, wording, or both, the application of the notice to the particular contribution is made clear;
- (2) Where the separate contribution is reproduced on more than one page of the collective work, a notice is acceptable if it appears: (i) Under a title appearing at or near the beginning of the contribution; (ii) on the first page of the main body of the contribution; (iii) immediately following the end of the contribution; or (iv) on any of the pages where the contribution appears, if: (A) The contribution is reproduced on no more than twenty pages of the collective work; (B) the notice is reproduced prominently and is set apart from other matter on the page where it appears; and (C) through format, wording, or both, the application of the notice to the particular contribution is made clear;
- (3) Where the separate contribution is a musical work, in addition to any of the locations listed in paragraphs (f)(1) and (2) of this section, a notice is acceptable if it is located on the first page of music of the contribution;

(4) As an alternative to placing the notice on one of the pages where a separate contribution itself appears, the contribution is considered to "bear its own notice" if the notice appears clearly in juxtaposition with a separate listing of the contribution by title, or if the contribution is untitled, by a description reasonably identifying the con-

tribution: (i) on the page bearing the copyright notice for the collective work as a whole, if any; or (ii) in a clearly identified and readily-accessible table of contents or listing of acknowledgements appearing near the front or back of the collective work as a whole.

# FORM SR UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

		SR	SRU
		EFFECTIVE DATE OF REGISTF	
		Month Da	y Year
	DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATITITLE OF THIS WORK ▼	E CONTINUATION SHEET.	
***************************************	PREVIOUS OR ALTERNATIVE TITLES ▼		· · · · · · · · · · · · · · · · · · ·
	NATURE OF MATERIAL RECORDED ▼ See instructions.  ☐ Musical ☐ Musical-Dramatic ☐ Dramatic ☐ Literary		<u></u>
	□ Other ■ NAME OF AUTHOR ▼	DATES OF BIRTH AND I	DEATH ar Died ▼
WOTE	Was this contribution to the work a "work made for hire"?  ☐ Yes ☐ No  AUTHOR'S NATIONALITY OR DOMICILE Name of Country  OR Citizen of Domiciled in	WAS THIS AUTHOR'S CO THE WORK Anonymous? Yes  Pseudonymous? Yes	No If the answer to either of these questions is "Yes." see detailed
Under the law, the "author" of a "work made for hire" is generally the employer,	NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author is  NAME OF AUTHOR ▼	DATES OF BIRTH AND I	
not the em- ployee (see in- structions). For any part of this work that was 'made for hire" check "Yes" in	Was this contribution to the work a  ☐ Yes "work made for hire"? ☐ No  AUTHOR'S NATIONALITY OR DOMICILE Name of country OR Citizen of Domiciled in	WAS THIS AUTHOR'S CONTHE WORK Anonymous? Yes Pseudonymous? Yes T	No If the answer to either of these questions is "Yes," see detailed
the space pro- vided, give the employer (or other person for	NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author is	n which copyright is claimed. ▼	instructions.
whom the work was prepared) as "Author" of that part, and leave the space	NAME OF AUTHOR ▼		ar Died ▼
or dates of birth and death blank.	Was this contribution to the work a  "work made for hire"?  □ Yes □ No  Was this contribution to the work a  "work made for hire"?  OR  OR  OR  OR  OR  OR  OR  OR  OR  O	WAS THIS AUTHOR'S COTHE WORK  Anonymous? Yes Pseudonymous? Yes	If the answer to either No of these questions is "Yes." see detailed
	YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given in all cases.  ■ ✓ Year  ■ ✓ Year	UBLICATION OF THIS PARTIC	ULAR WORK
See instructions	COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.♥	APPLICATION RECEIVED	
before completing this space.	TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.▼	TWO DEPOSITS RECEIVED TO THE REMITTANCE NUMBER AT	

		EXAMINED BY	FORM SR
		CHECKED BY	
		CORRESPONDENCE	FOR COPYRIGHT
		DEPOSIT ACCOUNT FUNDS USED	OFFICE USE ONLY
	DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE	CE, USE A SEPARATE CONTINUATION SHEET.	
PREVIOUS R	EGISTRATION Has registration for this work, or for an earlier version If your answer is "Yes," why is another registration being sought? (Check	of this work, already been made in the Copyright Office?	
	rst published edition of a work previously registered in unpublished form.		
☐ This is the fi	rst application submitted by this author as copyright claimant.		***************************************
	nged version of the work, as shown by space 6 on this application.		
If your answer	's "Yes," give: Previous Registration Number ♥ Year of Re	gistration ▼	
DERIVATIVE	WORK OR COMPILATION Complete both space 6a & 6b for a deri Material Identify any preexisting work or works that this work is based of	ivative work; complete only 6b for a compilation.	G
			See instructions before completing
h Material Ac			this space.
D. Widieriai Ac	lded to This Work Give a brief, general statement of the material that has	s been added to this work and in which copyright is claimed.	
			<del></del>
DEPOSIT AC Name ♥	COUNT If the registration fee is to be charged to a Deposit Account esta  Account N		ınt.
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by me in this ap	tified in this application and that the statements made plication are correct to the best of my knowledge.		
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<sup>\* 17</sup> U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

# Filling Out Application Form SE

Detach and read these instructions before completing this form. Make sure all applicable spaces have been filled in before you return this form.

# **BASIC INFORMATION**

When To Use This Form: Use a separate Form SE for registration of each individual issue of a serial, Class SE. A serial is defined as a work issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely. This class includes a variety of works: periodicals; newspapers; annuals; the journals, proceedings, transactions, etc., of societies. Do not use Form SE to register an individual contribution to a serial. Request Form TX for such contributions.

Deposit to Accompany Application: An application for copyright registration must be accompanied by a deposit consisting of copies or phonorecords representing the entire work for which registration is to be made. The following are the general deposit requirements as set forth in the statute:

Unpublished Work: Deposit one complete copy (or phonorecord)

Published Work: Deposit two complete copies (or phonorecords) of the best edition.

Work First Published Outside the United States: Deposit one complete copy (or phonorecord) of the first foreign edition.

Mailing Requirements: It is important that you send the application, the deposit copy or copies, and the \$10 fee together in the same envelope or package. The Copyright Office cannot process them unless they are received together. Send to: Register of Copyrights, Library of Congress, Washington, D.C. 20559.

The Copyright Notice: For published works, the law provides that a copyright notice in a specified form "shall be placed on all publicly distributed copies from which the work can be visually perceived." Use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from the Copyright Office. The required form of the notice for copies generally consists of three elements: (1) the symbol "C"; or the word "Copyright," or the abbreviation "Copr"; (2) the year of first publication; and (3) the name of the owner of copyright. For example: "© 1981 National News Publishers, Inc." The notice is to be affixed to the copies "in such manner and location as to give reasonable notice of the claim of copyright." For further information about copyright registration, notice, or special questions relating to copyright prob-

Information and Publications Section, LM-455 Copyright Office, Library of Congress, Washington, D.C. 20559

PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579)
The authority for requesting this information is title 17, U.S.C., secs. 409 and 410. Furnishing the requested information is voluntary. But if the information is not furnished, it may be necessary to delay or refuse registration and you may not be entitled to certain relief, remedies, and benefits provided in chapters 4 and 5 of title 17, U.S.C.

The principal uses of the requested information are the establishment and maintenance of a public record and the examination of the application for compliance with legal requirements.

Other routine uses include public inspection and copying, preparation of public indexes, preparation of public catalogs of copyright registrations, and preparation of search reports upon request. NOTE: No other advisory statement will be given in connection with this application. Please keep this statement and refer to it if we communicate with you regarding this application.

# LINE-BY-LINE INSTRUCTIONS

# **SPACE 1: Title**

Title of This Serial: Every work submitted for copyright registration must be given a title to identify that particular work. If the copies or phonorecords of the work bear a title (or an identifying phrase that could serve as a title), copy that wording completely and exactly on the application. Give the volume and number of the periodical issue for which you are seeking registration. The "Date on copies" in space 1 should be the date appearing on the actual copies (for example: "June 1981," "Winter 1981"). Indexing of the registration and future identification of the work will depend on the information you give

Previous or Alternative Titles: Complete this space only if there are any additional titles for the serial under which someone searching for the registration might be likely to look, or under which a document pertaining to the work might be recorded.

# SPACE 2: Author(s)

General Instructions: After reading these instructions, decide who are the "authors" of this work for copyright purposes. In the case of a serial issue, the organization which directs the creation of the serial issue as a whole is generally considered the author of the "collective work" (see "Nature of Authorship") whether it employs a staff or uses the efforts of volunteers. Where, however, an individual is independently responsible for the serial issue, name that person as author of the "collective work."

Name of Author: The fullest form of the author's name should be given. In the case of a "work made for hire," the statute provides that "the employer or other person for whom the work was prepared is considered the author." If this issue is a "work made for hire," the author's name will be the full legal name of the hiring organization, corporation, or individual. The title of the periodical should not ordinarily be listed as "author" because the title itself does not usually correspond to a legal entity capable of authorship. When an individual creates an issue of a serial independently and not as an "employee" of an organization or corporation, that individual should be listed as the

Author's Nationality or Domicile: Give the country of which the author is a citizen, or the country in which the author is domiciled. Nationality or domicile must be given in all cases. The citizenship of an organization formed under United States Federal or state law should be stated as "U.S.A."

What is a "Work Made for Hire"? A "work made for hire" is defined as: (1) "a work prepared by an employee within the scope of his or her employment"; or (2) "a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire." An organization that uses the efforts of volunteers in the creation of a "collective work" (see "Nature of Authorship") may also be considered the author of a "work made for hire" even though those volunteers were not specifically paid by the organization. In the case of a "work made for hire," give the full legal name of the employer and check "Yes" to indicate that the work was made for hire. You may also include the name of the employee along with the name of the employer (for example: "Elster Publishing Co., employer for hire of John Ferguson").

"Anonymous" or "Pseudonymous" Work: Leave this space blank if the serial is a "work made for hire." An author's contribution to a work is "anonymous" if that author is not identified on the copies or phonorecords of the work. An author's contribution to a work is "pseudonymous" if that author is identified on the copies or phonorecords under a fictitious name. If the work is "anonymous" you may: (1) leave the line blank; or (2) state "anonymous" on the line; or (3) reveal the author's identity. If the work is "pseudonymous" you may: (1) leave the line blank; or (2) give the pseudonym and identify it as such (for example: "Huntley Haverstock, pseudonym"); or (3) reveal the author's name, making clear which is the real name and which is the pseudonym (for example: "Judith Barton, whose pseudonym is Madeline Elster"). However, the citizenship or domicile of the author must be given in all cases.

Dates of Birth and Death: Leave this space blank if the author's contribution was a "work made for hire." If the author is dead, the statute requires that the year of death be included in the application unless the work is anonymous or pseudonymous. The author's birth date is optional, but is useful as a form of identification.

Nature of Authorship: Give a brief statement of the nature of the particular author's contribution to the work. If an organization directed, controlled, and supervised the creation of the serial issue as a whole, check the box "collective work." The term "collective work" means that the author is responsible for compilation and editorial revision, and may also be responsible for certain individual contributions to the serial issue. Further examples of "Authorship" which may apply both to organizational and to individual authors are "Entire text"; "Entire text and/or illustrations"; "Editorial revision, compilation, plus additional new material."

# 3 SPACE 3: Creation and Publication

General Instructions: Do not confuse "creation" with "publication." Every application for copyright registration must state "the year in which creation of the work was completed." Give the date and nation of first publication only if the work has been published.

Creation: Under the statute, a work is "created" when it is fixed in a copy or phonorecord 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. The date you give here should be the year in which this particular issue was completed.

Publication: The statute defines "publication" as "the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending"; a work is also "published" if there has been an "offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display." Give the full date (month, day, year) when, and the country where, publication of this particular issue first occurred. If first publication took place simultaneously in the United States and other countries, it is sufficient to state "U.S.A."

# A SPACE 4: Claimant(s)

Name(s) and Address(es) of Copyright Claimant(s): This space must be completed. Give the name(s) and address(es) of the copyright claimant(s) of this work even if the claimant is the same as the author named in space 2. Copyright in a work belongs initially to the author of the work (including, in the case of a work made for hire, the employer or other person for whom the work was prepared). The copyright claimant is either the author of the work or a person or organization to whom the copyright initially belonging to the author has been transferred.

Transfer: The statute provides that, if the copyright claimant is not the author, the application for registration must contain "a brief statement of how the claimant obtained ownership of the copyright." A transfer of copyright ownership (other than one brought about by operation of law) must be in writing. If any copyright claimant named in space 4 is not an author named in space 2, give a brief, general statement describing the means by which that claimant obtained ownership of the copyright from the original author. Examples: "By written contract"; "Written transfer of all rights by author"; "Assignment"; "Inherited by will." Do not attach the actual document of transfer or other attachments or riders.

# SPACE 5: Previous Registration

General Instructions: This space applies only rarely to serials. Complete space 5 if this particular issue has been registered earlier or if it contains a substantial amount of material that has been previously registered. Do not complete this space if the previous registrations are simply those made for earlier issues.

Previous Registration:

a. Check this box if this issue has been registered in unpublished form and
 a second registration is now sought to cover the first published edition.

b. Check this box if someone other than the author is identified as copyright claimant in the earlier registration and the author is now seeking registration in his or her own name. If the work in question is a contribution to a collective work, as opposed to the issue as a whole, file Form TX, not Form SE.

c. Check this box (and complete space 6) if this particular issue, or a substantial portion of the material in it, has been previously registered and you are now seeking registration for the additions and revisions which appear in this issue for the first time.

Previous Registration Number and Date: Complete this line if you checked one of the boxes above. If more than one previous registration has been made for the issue or for material in it, give only the number and year date for the latest registration.

# **SPACE 6: Derivative Work or Compilation**

General Instructions: Complete space 6 if this issue is a "changed version," "compilation," or "derivative work," which incorporates one or more earlier works that have already been published or registered for copyright, or that have fallen into the public domain. Do not complete space 6 for an issue consisting of entirely new material appearing for the first time, such as a new issue of a continuing serial. A "compilation" is defined as "a work formed by the collection and assembling of preexisting materials or of data that are se-

lected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship." A "derivative work" is "a work based on one or more preexisting works." Examples of derivative works include translations, fictionalizations, abridgments, condensations, or "any other form in which a work may be recast, transformed, or adapted." Derivative works also include works "consisting of editorial revisions, annotations, or other modifications" if these changes, as a whole, represent an original work of authorship.

Preexisting Material (space 6a): For derivative works, complete this space and space 6b. In space 6a identify the preexisting work that has been recast, transformed, adapted, or updated. Example: "1978 Morgan Co. Sales Catalog." Do not complete space 6a for compilations.

Material Added to This Work (space 6b): Give a brief, general statement of the new material covered by the copyright claim for which registration is sought. Derivative work examples include: "Editorial revisions and additions to the Catalog"; "Iranslation"; "Additional material." If a periodical issue is a compilation, describe both the compilation itself and the material that has been compiled. Examples: "Compilation of previously published journal articles"; "Compilation of previously published data." An issue may be both a derivative work and a compilation, in which case a sample statement might be: "Compilation of [describe] and additional new material."

# **7** SPACE 7: Manufacturing Provisions

General Instructions: The copyright statute currently provides, as a general rule, that the copies of a published work "consisting preponderantly of nondramatic literary material in the English language" be manufactured in the United States or Canada in order to be lawfully imported and publicly distributed in the United States. If the work being registered is unpublished or not in English, leave this space blank. Complete this space if registration is sought for a published work "consisting preponderantly of nondramatic literary material that is in the English language." Identify those who manufactured the copies and where those manufacturing processes were performed. As an exception to the manufacturing provisions, the statute prescribes that, where manufacture has taken place outside the United States or Canada, a maximum of 2000 copies of the foreign edition may be imported into the United States without affecting the copyright owners' rights. For this purpose, the Copyright Office will issue an Import Statement upon request and payment of a fee of \$3 at the time of registration or at any later time. For further information about import statements, write for Form IS.

# 8 SPACE 8: Reproduction for Use of Blind or Physically Handicapped Individuals

General Instructions: One of the major programs of the Library of Congress is to provide Braille editions and special recordings of works for the exclusive use of the blind and physically handicapped. In an effort to simplify and speed up the copyright licensing procedures that are a necessary part of this program, section 710 of the copyright statute provides for the establishment of a voluntary licensing system to be tied in with copyright registration. Copyright Office regulations provide that you may grant a license for such reproduction and distribution solely for the use of persons who are certified by competent authority as unable to read normal printed material as a result of physical limitations. The license is entirely voluntary, nonexclusive, and may be terminated upon 90 days notice.

How to Grant the License: If you wish to grant it, check one of the three boxes in space 8. Your check in one of these boxes, together with your signature in space 10, will mean that the Library of Congress can proceed to reproduce and distribute under the license without further paperwork. For further information, write for Circular R63.

# 9,10,11 SPACE 9, 10, 11: Fee, Correspondence, Certification, Return Address

Deposit Account: If you maintain a Deposit Account in the Copyright Office, identify it in space 9. Otherwise leave the space blank and send the fee of \$10 with your application and deposit.

Correspondence (space 9): This space should contain the name, address, area code, and telephone number of the person to be consulted if correspondence about this application becomes necessary.

Certification (space 10): The application cannot be accepted unless it bears the date and the handwritten signature of the author or other copyright claimant, or of the owner of exclusive right(s), or of the duly authorized agent of the author, claimant, or owner of exclusive right(s).

Address for Return of Certificate (space 11): The address box must be completed legibly since the certificate will be returned in a window envelope.

REGISTRATION NUMBER

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				EFFECTIVE DATE OF F	REGISTRATION	
				Month	Day	Year
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NOTE	NATURE OF AUTH	OH { Domiciled in	e of the material created by this author	·	Yes 🗌 No	"Yes," see detailed instructions.
Under the law, the "author" of a "work made for hire" is generally the employer, not the em- ployee (see in-	☐ Collective Work  NAME OF AUTHO	Other: DR ▼		DATES OF BIRTH Year Born ▼	AND DEATI Year Died	
structions). For any part of this work that was "made for hire" check "Yes" in	Was this contribution of work ma  ☐ Yes "work ma	to the work a ide for hire"?  AUTHOR'S NA Name of country  OR  Citizen of Domiciled in	TIONALITY OR DOMICILE		OR'S CONTR   Yes    No   Yes    No	If the answer to either of these questions is "Yes," see detailed
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leave the space for dates of birth and death blank.	Was this contribution (	to the work a de for hire"?  AUTHOR'S NA Name of Country  OR { Citizen of > Domiciled in	TIONALITY OR DOMICILE	· · · · · · · · · · · · · · · · · · ·	OR'S CONTR Yes   No Yes   No	IBUTION TO If the answer to either of these questions is "Yes," see detailed instructions.
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3		CREATION OF THIS LETED This information must be given	DATE AND NATION OF FIRST PO complete this information Month  MILY If this work use been published.	Day	PARTICULA Year ▶	R ISSUE
4	COPYRIGHT CLAI same as the author giv		st be given even if the claimant is the	APPLICATION REC		**************************************
See instructions before completing this space.		·		TWO DEPOSITS R	ECEIVED	<del></del>
	TRANSFER If the clain space 2, give a brief	aimant(s) named here in space 4 an statement of how the claimant(s) of	e different from the author(s) named btained ownership of the copyright.	PER REMITTANCE NUI		E

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-11) on the reverse side of this page.
• See detailed instructions. • Sign the form at line 10.

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<sup>\* 17</sup> U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filled in connection with the application, shall be fined not more than \$2,500.