

CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

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PART 201—GENERAL PROVISIONS

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AUTHORITY: The provisions of this Part 201 issued under sec. 207, 61 Stat. 666; 17 U.S.C. 207.

SOURCE: The provisions of this Part 201 appear at 24 F.R. 4955, June 18, 1959, unless otherwise noted.

§ 201.1 Communications with the Copyright Office.

Mail and other communications shall be addressed to the Register of Copyrights, Library of Congress, Washington, D.C., 20540.

§ 201.2 Information given by the Copyright Office.

(a) *In general.* (1) Information relative to the operations of the Copyright Office is supplied without charge. A search of the records, indexes and deposits will be made for such information as they may contain relative to copy-

right claims upon application and payment of the statutory fee. The Copyright Office, however, does not undertake the making of comparisons of copyright deposits to determine similarity between works, nor does it give legal opinions or advice on such matters as:

(i) The validity or status of any copyright other than the facts shown in the records of the Office;

(ii) The rights of persons, whether in connection with cases of alleged copyright infringement, contracts between authors and publishers or other matters of a similar nature;

(iii) The scope and extent of protection of works in foreign countries or interpretation of foreign copyright laws or court opinions;

(iv) The sufficiency, extent or scope of compliance with the copyright law.

(2) In addition, the Office cannot undertake to furnish the names of copyright attorneys, publishers, agents, or other similar information.

(b) Inspection and copying of records.

(1) Inspection and copying of completed records and indexes relating to a registration or a recorded document, and inspection of copies deposited in connection with a completed copyright registration, may be undertaken at such times as will not result in interference with or delay in the work of the Copyright Office.

(2) The copying from the Copyright Office records of names and addresses for

the purpose of compiling mailing lists and other similar uses is expressly prohibited.

(3) The Copyright Office maintains an administrative staff manual, referred to as its "Compendium of Office Practices," and an index to the manual, for the general guidance of its staff in making registrations and recording documents. The manual and index, as amended and supplemented from time to time, are available in the Copyright Office for public inspection and copying.

(c) *Correspondence.* (1) Official correspondence, including preliminary applications, between copyright claimants or their agents and the Copyright Office, and directly relating to a completed registration or to a recorded document, is made available for public inspection. Requests for photocopies of the correspondence shall be made pursuant to paragraph (d) of this section.

(2) (i) Correspondence, application forms and any accompanying material forming a part of a pending or rejected application are not records which are open to public inspection under paragraph (b) of this section.

(ii) Inspection of such files may be afforded upon presentation of written authorization of the claimant or his agent, or upon submission to the Register of Copyrights, Library of Congress, Washington, D.C., 20540, of a written request which is deemed by him to show good cause for such access and which establishes that the person making the request is one properly and directly concerned.

(iii) Where such access is authorized and photocopies of the official file are subsequently requested, the conditions and procedures of paragraph (d) of this section are controlling.

(3) Correspondence, memoranda, reports, opinions, and similar material relating to internal matters of personnel and procedures, office administration, security matters, and internal consideration of policy and decisional matters, including the work product of an attorney, are not open to public inspection.

(4) The Copyright Office will return unanswered any abusive or scurrilous correspondence.

(d) *Requests for copies.* (1) Requests for additional certificates of registration should be sent to the Copyright Office, and the accompanying fees should be

made payable to the Register of Copyrights.

(2) Requests for photocopies of copyright deposits, official correspondence, and Copyright Office records (other than additional certificates of registration) should be sent to the Chief, Photoduplication Service, Library of Congress, Washington, D.C., 20540, the accompanying fees in payment of such services being made payable to that official. When the photocopy is to be certified by the Copyright Office, the additional certification fee should be made payable to the Register of Copyrights and both remittances together with the transmittal letter are to be sent to the Copyright Office.

(3) Requests for photocopies of official correspondence shall identify the specific material desired and shall contain a statement enabling the Copyright Office to determine if the writer is properly and directly concerned.

(4) Requests for photocopies of copyright deposits will be granted when one or more of the following conditions are fulfilled:

(i) *Authorization by owner.* When authorized in writing by the copyright owner or his designated agent.

(ii) *Request by attorney.* When required in connection with litigation, actual or prospective, in which the copyrighted work is involved; but in all such cases the attorney representing the actual or prospective plaintiff or defendant for whom the request is made shall give in writing: (a) The names of the parties and the nature of the controversy; (b) the name of the court where the action is pending, or, in the case of a prospective proceeding, a full statement of the facts of the controversy in which the copyrighted work is involved; and (c) satisfactory assurances that the requested copy will be used only in connection with the specified litigation.

(iii) *Court order.* When an order to have the copy made is issued by a court having jurisdiction of a case in which the copy is to be submitted as evidence. [24 F.R. 4955, June 18, 1959, as amended at 32 F.R. 9315, June 30, 1967]

§ 201.3 Catalog of Copyright Entries.

The various parts of the Catalog of Copyright Entries are listed below. The subscription price for all parts of the complete yearly Catalog of Copyright Entries, effective with Volume 27, is \$75. Parts 2 and 11B of the catalog are published annually; all other parts are

published in two semiannual numbers covering, respectively, the periods January–June and July–December. The prices given in the list below are for each annual part; the price of a semi-annual number is half of the listed price. The entire annual catalog or any of its parts may be obtained, upon payment of the established price, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, to whom requests for copies should be addressed and to whom the remittance should be made payable.

Part 1—Books and Pamphlets Including Serials and Contributions to Periodicals, \$20.

Part 2—Periodicals, \$6.

Parts 3–4—Dramas and Works Prepared for Oral Delivery, \$6.

Part 5—Music, \$20.

Part 6—Maps and Atlases, \$6.

Parts 7–11—Works of Art, Reproductions of Works of Art, Scientific and Technical Drawings, Photographic Works, Prints and Pictorial Illustrations, \$6.

Part 11B—Commercial Prints and Labels, \$5.

Parts 12–13—Motion Pictures and Filmstrips, \$6.

[38 FR 3045, Feb. 1, 1973]

§ 201.4 Assignments of copyright and other papers.

Assignments of copyright and other papers relative to copyrights will be recorded in the Copyright Office upon payment of the statutory fee. Examples of such papers include powers of attorney, licenses to use a copyrighted work, agreements between authors and publishers covering a particular work or works and the rights thereto, mortgages, certificates of change of corporate title, wills, and decrees of distribution. The original, signed instrument should be submitted for recordation, and is returned to the sender with a certificate of record. Where the original instrument is not available, a certified or other copy may be submitted, but it shall be accompanied by a statement that the original is not available.

§ 201.5 Amendments to completed Copyright Office registrations and other records.

(a) *No cancellations.* No correction or cancellation of a Copyright Office registration or other record will be made (other than a registration or record provisional upon receipt of fee as provided in § 201.6) after it has been completed if

the facts therein stated agree with those supplied the Office for the purpose of making such record. However, it shall be within the discretion of the Register of Copyrights to determine if any particular case justifies the placing of an annotation upon any record for the purpose of clarification, explanation, or indication that there exists elsewhere in the records, indexes or correspondence files of the Office, information which has reference to the facts as stated in such record.

(b) *Correction by new registration.* In exceptional cases, where an applicant desires to correct, amend or amplify a registration previously made in accordance with information furnished by a claimant or his agent, a new application indicating its amendatory purpose shall be filed, accompanied by the statutory fee and the same number of copies required for a new application. Where it is satisfactorily established that copies of the original work cannot be obtained for submission, photostat or microfilm copies of the original may be submitted.

§ 201.6 Payment and refund of Copyright Office fees.

(a) *In general.* All 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. Coin or currency sent to the Office in letters or packages will be at the remitter's risk. Remittances from foreign countries should be in the form of an International Money Order or Bank Draft payable and immediately negotiable in the United States for the full amount of the fee required. Uncertified checks are accepted subject to collection. Where the statutory fee is submitted in the form of a check, the registration of the copyright claim or other record made by the Office is provisional until payment in money is received. In the event the fee is not paid, the registration or other record shall be expunged.

(b) *Deposit accounts.* Persons or firms having a considerable amount of business with the Copyright Office may, for their own convenience, prepay copyright expenses by establishing a Deposit Account.

(c) *Refunds.* Money paid for applications which are rejected or payments made in excess of the statutory fee will be refunded, but amounts of \$1 or less will not be refunded unless specifically

requested, and refunds of such amounts may be made in postage stamps. All amounts of more than \$1 will be refunded by check.

(d) *Return of deposit copies.* Copies of works deposited in the Copyright Office pursuant to law are either retained in the Copyright Office, transferred for the permanent collections or other uses of the Library of Congress, or disposed of according to law. When an application is rejected, the Copyright Office reserves the right to retain the deposited copies.

[24 FR 4955, June 18, 1959, as amended at 38 FR 3045, Feb. 1, 1973]

§ 201.7 Preparation of catalog card.

The catalog card which may accompany a work of foreign origin, as provided in section 215 of title 17, U.S. Code, as amended, may be a catalog card supplied by a library in the country of publication. In lieu of such a card the applicant may prepare his own card, or may fill out the form supplied by the Copyright Office. The catalog card should contain the full name of the author of the original work, title and description from the title page, paging, copyright claimant, the city and year of publication, and the names of all other authors, editors, etc., whom the applicant considers of sufficient importance to record. When available, the year of birth of each author named should be given. If the form furnished by the Office is not used, the size of the card should preferably be 5 inches wide by 3 inches deep or 12.5 centimeters wide by 7.5 centimeters deep. The Register of Copyrights reserves the right to accept catalog cards not complying with the above requirements.

§ 201.8 Import statements.

(a) The Copyright Office will issue import statements for books and periodicals first published abroad in the English language which are to be imported under the provisions of section 16 of title 17, U.S. Code, as amended. A statement for the importation of 1,500 copies will be issued to the person named in the application for ad interim copyright registration. The holder of this statement shall present it to the customs officer in charge of the port of entry. Upon receipt of a statement from the customs officer, showing importation of less than 1,500 copies, a new statement will be issued for the balance.

(b) The provisions in the Customs regulations covering the use of the import statement (Copyright Office Form C-85) are found in 19 CFR 11.21 (21 F.R. 2517).

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

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| Sec. | |
| 202.1 | Material not subject to copyright. |
| 202.2 | Copyright notice. |
| 202.3 | Application forms. |
| 202.4 | Books (Class A). |
| 202.5 | Periodicals (Class B). |
| 202.6 | Lectures or similar productions prepared for oral delivery (Class C). |
| 202.7 | Dramatic and dramatico-musical compositions (Class D). |
| 202.8 | Musical compositions (Class E). |
| 202.9 | Maps (Class F). |
| 202.10 | Works of art (Class G). |
| 202.11 | Reproductions of works of art (Class H). |
| 202.12 | Drawings or plastic works of a scientific or technical character (Class I). |
| 202.13 | Photographs (Class J). |
| 202.14 | Prints, pictorial illustrations and commercial prints or labels (Class K). |
| 202.15 | Motion pictures (Classes L-M). |
| 202.15a | Sound recordings (Class N). |
| 202.16 | Deposit of photographs or other identifying reproductions in lieu of copies. |
| 202.17 | Renewals. |
| 202.18 | Notices of use. |

AUTHORITY: The provisions of this Part 202 issued under sec. 207, 61 Stat. 666; 17 U.S.C. 207.

SOURCE: The provisions of this Part 202 appear at 24 F.R. 4956, June 18, 1959, unless otherwise noted.

§ 202.1 Material not subject to copyright.

The following are examples of works not subject to copyright and applications for registration of such works cannot be entertained:

(a) Words and short phrases such as names, titles, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering or coloring; mere listing of ingredients or contents;

(b) Ideas, plans, methods, systems, or devices, as distinguished from the particular manner in which they are expressed or described in a writing;

(c) Blank forms, such as time cards, graph paper, account books, diaries, bank checks, scorecards, address books, report forms, order forms and the like, which