August 22, 2002

VIA FACSIMILE AND U.S. MAIL

Lora A. Moffatt, Esq.
Salans Hertzfeld Heilbronn
Christy & Viener
Rockefeller Center
620 Fifth Avenue
New York, New York 10020-2457

Re: BRACELET B3934, BRACELET B3950, RING R06159, and RING R4874
Copyright Office Control No. 60-707-6693(P)

Dear Ms. Moffatt:

You requested that the Copyright Office Board of Appeals reconsider registration of the claim to copyright of Yurman Studio, Inc. in the works entitled Bracelet B3934, Bracelet B3950, Ring R06159, and Ring R4874. To assist the Board in its consideration, please provide enlargements of the deposit materials identifying the works submitted with the applications for each of these works.

In addition, the Board has a threshold question with respect to Bracelet B3934 and Bracelet B3950. Upon first publication, did either of these works bear a notice of copyright? The applications state that Bracelet B3934 and Bracelet B3950 were published on September 28, 1986, and November 16, 1986, respectively. Before the effective date of the Berne Convention Implementation Act, March 1, 1989, published works had to bear a statutory notice of copyright. See 17 U.S.C. § 401(a) (1976), Pub. L. No. 94-553, 90 Stat. 2576 (1976).

To implement the notice requirement, deposit regulations for such works require the submission of photographs of the notice of copyright on the work as first published. 37 C.F.R. § 202.21(e). The deposits for Bracelet B3934 and Bracelet B3950 do not include a reproduction of the notice of copyright. If these works bore the required notice, please submit a photograph, or other representation permitted by regulation, indicating placement of the notice on the bracelets as published. If, however, these works did not bear the required notice, were any steps taken to correct the omission within five years of publication? See, 17 U.S.C. § 405(a). If so, please detail such steps and provide any supporting documentation.

Please provide the Board with the requested enlargements of the deposit materials and the information on notice by no later than Friday, September 13, 2002. Please address your reply to my attention at the following address: Copyright Office Board of Appeals, GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024.

Sincerely,

Gina Giuffreda

Gina Giuffreda
Attorney

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September 26, 2002

Lora A. Moffatt, Esq.
Salans Hertzfeld Heilbronn
Christy & Viener
Rockefeller Center
620 Fifth Avenue
New York, New York 10020-2457

RE: BRACELET B3934, BRACELET B3950, RING R06159, and RING R4874
Copyright Office Control No. 60-707-6693(P)

Dear Ms. Moffatt:

You requested that the Copyright Office Board of Appeal reconsider registration of Yurman Studio, Inc's. claim to copyright the works listed above. Thank you for sending actual copies of the work in lieu of better identification material for these works. The Copyright Office Board of Appeals has now completed its review of the registration applications, deposits and the related correspondence for Bracelet B3934, Bracelet B3950, Ring R06159, and Ring R4874. The Board has determined that Ring R4874 embodies sufficient original authorship as required in Title 17, United States Code, and related case law to support a registration, and that it should be registered.

The file concerning Ring R4874 has been returned to the Examining Division for processing, and the certificate of registration will be issued shortly.

The Board is continuing its review of the three remaining works and will forward its decision regarding those works under separate cover.

Sincerely,

Marilyn J. Kretsinger

Marilyn J. Kretsinger
Assistant General Counsel