United States Copyright Office
Library of Congress · 101 Independence Avenue SE · Washington, DC 20559-6000 · www.copyright.gov

August 10, 2004

John A. Hughes, Esq.
Townsend and Townsend and Crew, LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111

Re: FRENCH GALLERY, FRENCH HOTEL, HOTEL VENETIA, ITALIAN VILLA, RUNNING RABBIT, SWISS WATCHMAKER, BOND STREET, ITALIAN HARVEST AND SHANGHAI
Control No: 60-719-0269 (T)

Dear Mr. Hughes:

As the Board Member who signed the letter upholding the refusal to register compilation claims in a number of works on behalf of your client, Timeworks, Inc, I am responding to your request for reconsideration of the Board's refusal to register the nine works listed above. As you know, if the Copyright Office rejects a claim, the claimant may request review by the Examining Division. If the Examining Division upholds the refusal to register, the claimant may request a second reconsideration by the Board of Appeals. The decision of the Board of Appeals constitutes final agency action. A member of your firm filed both requests for reconsideration, and the Copyright Office responded to each request.

Now, after the Board has met and carefully analyzed all of the arguments and additional material presented by your firm and made its decisions based on those claims, you are seeking to amend the claim by substituting "original artwork in background of clock face" for "compilation" in each of the rejected works.

We cannot permit the amendment of claims on the authorship found in works on which a final agency decision has been made. Normally, if we do not get a response in a certain time period, we send an application to closed files, and the applicant has to start all over again. In this case, we held the second request for reconsideration for over a year after the Board first met on the request waiting for a response. We will permit you to send in new applications with the amended claim for these works and a new fee. We will not require a new deposit.

If you wish to pursue this course the new applications can be sent to me personally at:

Copyright GC/IR
P.O. Box 70400
Southwest Station
Washington, D.C. 20024-0977

When they arrive, I will ensure that the original deposits are connected with the new applications and take them down to the Examining Division. The limited claims in each of the nine works will then be reviewed by one Examiner who will get back to you with a decision on the registrability of that claim in each of these nine works.

Sincerely,

/s/

Marilyn J Kretsinger
Associate General Counsel
for the Appeals Board
United States Copyright Office