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 FR 4956,* 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 copyright 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. Request 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.

Legislative History

[*24 FR 4955,* June 18, 1959, as amended at *32 FR 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 of 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.

Part 3--4--Dramas and Works Prepared for Oral Delivery, $ 6.

Part 5--Music, $ 20.

Part 6--Maps and Atlases, $ 6

Part 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 Filmstripes, $ 6.

Legislative History

[*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.

Legislative History

[*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

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 FR 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 are designed for recording information and do not in themselves convey information.

(d) Works consisting entirely of information that is common property containing no original authorship, such as, for example: Standard calendars, height and weight charts, tape measures and rulers, schedules of sporting events, and lists or tables taken from public documents or other common sources.

Legislative History

[*24 FR 4956,* June 18, 1959, as amended at *38 FR 3045,* Feb. 1, 1973]

§ 202.2 Copyright Notice.

(a) General.

(1) With respect to a published work, copyright is secured, or the right to secure it is lost, at the date of publication, i.e., the date on which copies are first placed on sale, sold, or publicly distributed, depending upon the adequacy of the notice of copyright on the work at that time.

(2) If the publication occurs by distribution of copies or in some other manner, without the statutory notice or with an inadequate notice, the right to secure copyright is lost. In such cases, copyright cannot be secured by adding the notice to copies distributed at a later date.

(3) Works first published abroad, other than works eligible for ad interim registration, must bear an adequate copyright notice at the time of their first publication in order to secure copyright under the law of the United States.

(b) Defects In Notice.

Where the copyright notice does not meet the requirements of the law, the Copyright Office will reject an application for copyright registration. Common defects in the notice include, among others, the following:

(1) The notice lacks one or more of the necessary elements (i.e., the word "Copyright," the abbreviation "Copr.," or the symbol (c), or, in the case of a sound recording, the symbol e; the name of the copyright proprietor, or, in the case of sound recording, the name, a recognizable abbreviation of the name, or a generally known alternative designation, of the copyright owner; and when required, the year date of publication);

(2) The elements of the notice are so dispersed that a necessary element is not identified as a part of the notice; in the case of a sound recording, however, if the producer is named on the label or container, and if no other name appears in conjunction with the notice, his name will be considered a part of the notice;

(3) The notice is not in one of the positions prescribed by law;

(4) The notice is in a foreign language;

(5) The name in the notice is that of someone who had no authority to secure copyright in his name;

(6) The year date in the copyright notice is later than the date of the year in which copyright was actually secured, including the following cases:

(i) Where the year date in the notice is later than the date of actual publication;

(ii) Where copyright was first secured by registration of a work in unpublished form, and copies of the same work as later published without change in substance bear a copyright notice containing a year date later than the year of unpublished registration;

(iii) Where a book or periodical published abroad, for which ad interim copyright has been obtained, is later published in the United States without change in substance and contains a year date in the copyright notice later than the year of first publication abroad:

Provided, however, That in each of the three foregoing types of cases, if the copyright was actually secured not more than one year earlier than the year date in the notice, registration may be considered as a doubtful case.

(7) A notice is permanently covered so that it cannot be seen without tearing the work apart;

(8) A notice is illegible or so small that it cannot be read without the aid of a magnifying glass: *Provided, however*, That where the work itself requires magnification for its ordinary use (e.g., a microfilm, microcard or motion picture) a notice which will be readable when so magnified, will constitute a reason for rejection of the claim;

(9) A notice is on a detachable tag and will eventually be detached and discarded when the work is put in use;

(10) A notice is on the wrapper or container which is not a part of the work and which will eventually be removed and discarded when the work is put to use; the notice may be on a container which is designed and can be expected to remain with the work;

(11) The notice is restricted or limited exclusively to an uncopyrightable element, either by virtue of its position on the work, by the use of asterisks, or by other means.

Legislative History

[*24 FR 4956,* June 18, 1959; *24 FR 6163,* July 31, 1959, as amended at *37 FR 3055,* Feb. 11, 1972]

§ 202.3 Application Forms.

(a) In General.

Section 5 of title 17 of the United States Code provides fourteen classes (Class A through Class N) of works in which copyright may be claimed. Examples of certain works falling within these classes are given in § § 202.4 to 202.15a inclusive, for the purpose of assisting persons who desire to obtain registration of a claim to copyright, to select the correct application form.

(b) Claims of Copyright.

(1) All works deposited for registration shall be accompanied by a "claim of copyright" in the form of a properly executed application, together with the statutory registration fee. The Office reserves the right to refuse to accept any application that is a carbon copy, illegible, defaced, or otherwise not in an acceptable condition for examination and recording.

(2) Where these separate elements are not received simultaneously, the Copyright Office holds the submitted elements for a reasonable time and, in default of the receipt of the missing element or elements after a request made therefor, the submitted item or items may be returned to the sender. Such action does not constitute a waiver of the right of the Register of Copyrights pursuant to section 14, title 17, U.S. Code, to demand compliance with the deposit provisions of that title.

(3) Applications for copyright registration covering published works should reflect the facts existing at the time of first publication, and should not include information concerning changes that have occurred between the time of publication and registration. The name given as copyright claimant in the application should agree with the name appearing in the copyright notice.

(4) Applications should be submitted by the copyright claimant, or by someone acting under his authority.

(5) All information requested by the Copyright Office application form should be given in the appropriate spaces provided. There should not be attached to the application any slips of paper or extra pages containing additional information, or a continuation of requested information.

(c) Forms.

The Copyright Office supplies without charge the following forms for use when applying for the registration of a claim to copyright in a work and for the filing of a notice of use of musical compositions on mechanical instruments.

Form A--Published book manufactured in the United States of America (Class A).

Form A--B Ad Interim--Book or periodical in the English language manufactured and first published outside the United States of America (Classes A-B).

Form A--B Foreign--Book or periodical manufactured outside the United States of America (except work subject to the ad interim provisions of the copyright law) (Classes A-B).

Form B--Periodical manufactured in the United States of America (Class B).

Form BB--Contribution to a periodical manufactured in the United States of America (Class B).

Form C--Lecture or similar production prepared for oral delivery (Class C).

Form D--Dramatic or dramatico-musical composition (Class D).

Form E--Musical composition the author of which is a citizen or domiciliary of the United States of America or which was published in the United States of America (Class E).

Form E--Foreign--Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America (Class E).

Form F--Map (Class F).

Form G--Work of art or a model or design for a work of art (Class G).

Form H--Reproduction of a work of art (Class H).

Form I--Drawing or plastic work of a scientific or technical character (Class I).

Form J--Photograph (Class J).

Form K--Print or pictorial illustration (Class K).

Form KK--Print or label used for an article of merchandise (Class K).

Form L-M--Motion picture (Classes L-M).

Form N--Sound recording (Class N).

Form R--Renewal copyright.

Form U--Notice of use of copyrighted music on mechanical instruments.

Legislative History

[*24 FR 4955,* June 18, 1959; *24 FR 6163,* July 31, 1959, as amended at *37 FR 3065,* Feb. 11, 1973]

§ 202.4 Books (Class A).

(a) Subject Matter and Forms.

This class includes such published works as fiction and nonfiction, poems, compilations, composite works, directories, catalogs, annual publications, information in tabular form, and similar text matter, with or without illustrations, as books, either bound or in loose-leaf form, pamphlets, leaflets, cards, single pages or the like. Applications for registration of claims to copyright in published books manufactured in the United States of America are made on Form A; in books manufactured outside of the United States of America, except those subject to ad interim provisions of the copyright law, on Fom A-B Foreign; and in books in the English language manufactured and first published outside the United States of America, and subject to the ad interim provisions of the copyright law, on Form A-B Ad Interim.

(b) Ad Interim Registrations.

(1) An American edition of an English-language book or periodical identical in substance to that manufactured and first published abroad will not be registered unless an ad interim registration is first made.

(2) When a book or periodical has been registered under the ad interim provisions, an American edition of the same work, to be registrable, must be manufactured and published in the United States within five years after the date of first publication abroad.

(3) Since by law ad interim copyright expires at the end of the ad interim term unless an American edition is published during that term, a renewal application covering a work registered only under the ad interim provisions will be rejected. Where both an ad interim and an American edition have been registered, the registrability of the renewal application is governed by the date of the first publication abroad.

Legislative History

[*24 FR 4956,* June 18, 1959, as amended at *38 FR 3045,* Feb. 1, 2973]

§ 202.5 Periodicals (Class B).

This class includes such works as newspapers, magazines, reviews, bulletins, and serial publications, published at intervals of less than a year. Applications for registration of claims to copyright in published periodicals manufactured in the United States of America are made on Form B; in periodicals, or in contributions thereto, manufactured outside the United States of America, except those subject to the ad interim provision of the copyright law, on Form A-B Foreign; and in periodicals, or in contributions thereto, in the English language manufactured and first published outside of the United States of America, and subject to the ad interim provisions of the copyright law, on Form A-B Ad Interim. Applications for registration of claims to copyright in contributions to periodicals manufactured in the United States of America are made on Form BB. Application for registration of claims to copyright in contributions to periodicals, which contributions are prints published in connection with the sale or advertisement of an article or articles of merchandise, are made on Form KK.

§ 202.6 Lectures or Similar Productions Prepared For Oral Delivery (Class C).

This class includes the scripts of unpublished works prepared in the first instance for oral delivery, such as lectures, sermons, addresses, monologs, panel discussions, and variety programs prepared for radio or television. The script submitted for registration in Class C should consist of the actual text of the works to be presented orally. Formats, outlines, brochures, synopses, or general descriptions of radio and television programs are not registrable in unpublished form. When published with notice as prescribed by law, such works may be considered for registration as "books" in Class A.

§ 202.7 Dramatic and Dramatico-Musical Compositions (Class D).

This class includes published or unpublished works dramatic in character such as the acting version of plays for the stage, motion pictures, radio, television and the like, operas, operettas, musical comedies and similar productions, and pantomimes. Choreographic works of a dramatic character, whether the story or theme be expressed by music and action combined or by actions alone, are subject to registration in Class D. However, descriptions of dance steps and other physical gestures, including ballroom and social dances or choreographic works which do not tell a story, develop a character or emotion, or otherwise convey a dramatic concept or idea, are not subject to registration in Class D.

§ 202.8 Musical Compositions (Class E).

(a) This class includes published or unpublished musical compositions in the form of visible notation (other than dramatico-musical compositions), with or without words, as well as new versions of musical compositions, such as adaptations or arrangements, and editing when such editing is the writing of an author. The words of a song, when unaccompanied by music, are not registrable in Class E.

(b) A phonorecord, such as a disc, tape, or other reproduction of a sound recording, is not considered a "copy" of the musical composition or the literary or dramatic work recorded on it, and is not acceptable as a deposit copy for copyright registration of the musical composition or the literary or dramatic work. Concerning the registration of copyright claims in sound recordings as works in themselves (as distinct from the musical compositions or the literary or dramatic works recorded), see § 202.15a.

Legislative History

[*24 FR 4956,* June 18, 1959, as amended at *37 FR 3055,* Feb. 11, 1972]

§ 202.9 Maps (Class F).

This class includes all published cartographic representations of area, such as terrestrial maps and atlases, marine charts, celestial maps and such three-dimensional works as globes and relief models.

§ 202.10 Works of Art (Class G).

(a) General.

This class includes published or unpublished works of artistic craftsmanship, insofar as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as works belonging to the fine arts, such as paintings, drawings and sculpture.

(b) In order to be acceptable as work of art, the work must embody some creative authorship in its delineation or form. The registrability of a work of art is not affected by the intention of the author as to the use of the work, the number of copies reproduced, or the fact that it appears on a textile material or textile product. The potential availability of protection under the design patent law will not affect the registrability of a work of art, but a copyright claim in a patented design or in the drawings or photographs in a patent application will not be registered after the patent has been issued.

(c) If the sole intrinsic function of an article is its utility, the fact that the article is unique and attractively shaped will not qualify it as a work of art. However, if the shape of a utilitarian article incorporates features, such as artistic sculpture, carving, or pictorial representation, which can be identified separately and are capable of existing independently as a work of art, such features will be eligible for registration.

§ 202.11 Reproductions of Works of Art (Class H).

This class includes published reproductions of existing works of art in the same or a different medium, such as a lithograph, photoengraving, etching or drawing of a painting, sculpture or other work of art.

§ 202.12 Drawings or Plastic Works of a Scientific or Technical Character (Class I).

(a) This class includes published or unpublished two-dimensional drawings and three-dimensional plastic works which have been designed for a scientific or technical use and which contain copyrightable graphic, pictorial, or sculptured material. Works registrable in Class I include diagrams or models illustrating scientific or technical works or formulating scientific or technical information in linear or plastic form, such as, for example: a mechanical drawing, an astronomical chart, an architect's blueprint, an anatomical model, or an engineering diagram.

(b) A work is not eligible for registration as a "plastic" work in Class I merely because it is formed from one of the commonly known synthetic chemical derivatives such as styrenes, vinyl compounds, or acrylic resins. The term "plastic work" as used in this context refers to a three-dimensional work giving the effect of that which is molded or sculptured. Examples of such works include statues of animals or plants used for scientific or educational purposes, and engineers' scale models.

(c) A claim to copyright in a scientific or technical drawing, otherwise registrable in Class I, will not be refused registration solely by reason of the fact that it is known to form a part of a pending patent application. Where the patent has been issued, however, the claim to copyright in the drawing will be denied copyright registration.

§ 202.13 Photographs (Class J).

This class includes published or unpublished photographic prints and filmstrips, slide films and individual slides. Photoengravings and other photomechanical reproductions of photographs are registered in Class K on form K.

§ 202.14 Prints, Pictorial Illustrations and Commercial Prints or Labels (Class K).

(a) This class includes prints or pictorial illustrations, greeting cards, picture postcards and similar prints, produced by means of lithography, photoengraving or other methods of reproduction. These works when published are registered on Form K.

(b) A print or label, not a trademark, containing copyrightable pictorial matter, text, or both, published in connection with the sale or advertisement of an article or articles of merchandise is also registered in this class on Form KK. In the case of a print which is published in a periodical, use Form KK if the print is used in connection with the sale or advertisement of an article of merchandise, Form BB if it is not. Multipage works are more appropriately classified in Class A than in Class K.

(c) A claim to copyright cannot be registered in a print or label consisting solely of trademark subject matter and lacking copyrightable matter. While the Copyright Office will not investigate whether the matter has been or can be registered at the Patent Office, it will register a properly filed copyright claim in a print or label that contains the requisite qualifications for copyright even though there is a trademark on it. However, registration of a claim to copyright does not give the claimant rights available by trademark registrations at the Patent Office.

§ 202.15 Motion Pictures (Classes L-M).

A single application Form L-M is available for registration of works in Classes L (Motion Picture Photoplays) and M (Motion Picture other than Photoplays).

(a) Photoplays (Class L).

This class includes published or unpublished motion pictures that are dramatic in character and tell a connected story, such as feature films, filmed television plays, short subjects and animated cartoons having a plot.

(b) Other Than Photoplays (Class M).

This class includes published or unpublished nondramatic films such as newsreel, travelogs, training or promotional films nature studies, and filmed television programs having no plot.

(c) Deposit Copies of Motion Pictures.

In the case of published motion pictures submitted for registration in Classes L or M, the requirement for deposit of "two complete copies of the best edition thereof then published" will be satisfied by the deposit of identical copies of that edition of the motion picture, from among any two or more editions in existence, that in the opinion of the Register of Copyrights most closely conforms to the established criteria of the Library of Congress with respect to the acquisition and retention of copies of motion pictures for its collections, as expressed in the Library of Congress acquisitions policy statement in effect at the time of the deposit. The copyright Office will furnish to any person concerned, upon request, a copy of the pertinent Library of Congress acquisitions policy statement then in effect.

(d) Videotape Copies.

If otherwise qualified as a motion picture, a work published in the form of videotape copies may be registered in Class L or M. If a motion picture is published in both videotape and film copies, the requirement for deposit of "two complete copies of the best edition thereof then published" will be satisfied by the deposit of two identical film copies in accordance with paragraph (c) of this section. If a motion picture is published solely in the form of videotape copies, the deposit requirement will be satisfied by the deposit of two identical videotape copies accompanied by a set of photographic reproductions of portions of the videotape copies showing the title of the work, the copyright notice, the production, performance and other creativity credits, and two or more scenes from different section of the work.

(e)(1) For purposes of deposit and registration only, any copyrightable component part of a motion picture soundtrack (e.g., a musical composition) is considered an integral part of a motion picture. Registration of any copyrightable component part of a motion picture soundtrack may be made by registration of the motion picture in accordance with the provisions of sections 12 and 13 of Title 17, U.S. Code.

(2) Where any copyrightable component part of a motion picture soundtrack has not previously been published or registered and is contained in a motion picture submitted for registration pursuant to section 13, Title 13, Title 17, U.S. Code, separate registration of such copyrightable component part will be permitted only if a separate copyright notice relating to such part is placed on the motion picture. In this event the Register of Copyrights will waive his authority under section 14 to require deposit of two complete copies of such copyrightable component part, and will accept for

purposes of deposit under section 13, two complete copies transcribed or reproduced from the motion picture in a form that in the opinion of the Register of Copyrights most closely conforms to the established criteria of the Library of Congress acquisitions policy statement in effect at the time of deposit. The Copyright Office will furnish to any person concerned, upon request, a copy of the pertinent Library of Congress acquisitions policy statement then in effect.

(3) Separate registration will be refused for any component part of a motion picture soundtrack published without a separate copyright notice, whether registration is applied for as an unpublished work under section 12 of Title 17 U.S. Code, or as a published work in accordance with section 13 of Title 17, U.S. Code.

(4) The provisions of the preceding subparagraphs shall not apply to any copyrightable component part of a motion picture soundtrack for which application for copyright registration has been made to the Copyright Office prior to May 12, 1975. However, applications to register a claim to copyright in a component part of a motion picture soundtrack for the renewal term shall be accepted only if separate registration has first been made for the original term.

Legislative History

[*24 FR 4956,* June 18, 1959, as amended at *36 FR 8868,* May 14, 1971; *40 FR 12501,* Mar. 19, 1975]

§ 202.15a Sound Recordings (Class N).

(a) This class includes published sound recordings, i.e., works that result form the fixation of a series of musical, spoken, or other sounds. Common examples include recordings of music, drama, narration, or other sounds, as published in the form of phonorecords such as discs, tapes, cartridges, cassettes, player piano rolls, or similar material objects from which the sounds can be reproduced either directly or with the aid of a machine or device. Registration for sound recordings is made in Class N.

(b) Only those sound recordings fixed and published on or after February 15, 1972, are eligible for registration. A sound recording is "fixed" when the complete series of sounds constituting the work is first produced on a final master recording that is later reproduced in published copies.

(c) Sound recordings registrable in Class N do not include a soundtrack that is an integrated part of a motion picture. Registration for motion pictures, including an integrated soundtrack, is made in Class L or M; § 202.15.

(d) Registration for sound recording in Class N does not cover the musical composition or the literary or dramatic work of which a rendition is recorded. A claim of copyright in the recorded musical composition is to be registered separately in Class E; see § 202.8. A claim of copyright in the recorded literary or dramatic work is to be registered separately in Class A, B, C, or D, whichever is appropriate; sec § § 202.4, 202.5, 202.6, and 202.7.

Legislative History

[*37 FR 3055,* Feb. 11, 1972, as amended at *40 FR 12501,* Mar. 19, 1975]

§ 202.16 Deposits of Photographs or Other Identifying Reproductions In Lieu of Copies.

(a) Availability of Option.

In the case of a published work which is reproduced in copies for sale, classified in Classes (g), (h), (i), and (k) of section 5, title 17, U.S. Code, copies of which are considered by the Register of Copyrights to be impracticable of deposit because of their size, weight, fragility, or monetary value, photographs or other identifying reproductions may be deposited in lieu of copies as provided by section 13, title 17, U.S. Code. The deposit of such photographs or reproductions shall be made in accordance with the following criteria:

(1) The number of sets of photographs or of reproductions to be submitted shall be the same as the number of copies provided by said section 13; duplicate sets shall be deposited unless the works is by a foreign author and has been published in a foreign country. Each set shall consist of as many photographs or reproductions in black and white, or in color, as are necessary to identify the work.

(2) All photographs or reproductions shall be of equal size, not less than 5 x 7 inches, and not exceeding 9 x 12 inches, but preferably 8 x 10 inches. The image of the work shown in all photographs or reproductions shall either be

lifesize or larger, or if less than lifesize shall be at least 4 inches in its greatest dimension. The exact measurement of at least one dimension of the work shall be indicated on at least one corresponding photograph or reproduction in each set.

(3) The copyright notice and its position on the work must be clearly shown on at least one corresponding photograph or reproduction in each set. If, because of the size or location of the copyright notice, a photographic reproduction cannot be prepared, a drawing may be included in each set, of the same size as the photographs or reproductions, showing the exact appearance of the notice, its dimensions, and its specific position on the work.

(4) The title of the work shall appear on the front or back of each photograph or reproduction.

(5) A copy shall be considered to be impracticable of deposit if, because of its size, weight, fragility or monetary value, it is unsuited to the filing procedures of the Copyright Office.

(b) Exceptions.

The provisions of this section, permitting the deposit of photographs in lieu of copies in certain cases, shall not apply to fine prints and two-dimensional art reproductions. The Register of Copyrights reserves the right in any other particular case to require as a condition precedent to registration, the deposit of copies of the work as published.

§ 202.17 Renewals.

(a) Claims to renewal copyright must be registered within the last (28th) year of the original copyright term. The original term for a published work is computed form the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, copyright protection is lost permanently and the work enters the public domain. The Copyright Office has no discretion to extend the renewal time limits.

(b) Renewal claims may be registered only in the names of persons falling within one of the classes of renewal claimants specified in the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new matter.

(c) Whenever a renewal applicant has cause to believe that a formal application for renewal (form R), if sent to the Copyright Office by mail, might not be received in the Copyright Office before the expiration of the time limits provided by *17 U.S.C. section 24,* he may apply for renewal registration by means of a telephone call, telegram, or other method of telecommunication. An application made by this method will be accepted if: (1) The message is received in the Copyright Office within the specified time limits; (2) the applicant adequately identifies the work involved, the date of first publication or original registration, the name and address of the renewal claimant, and the statutory basis of the renewal claim; and (3) the fee for renewal registration, if not already on deposit, is received in the Copyright Office before the time for renewal registration has expired.

Legislative History

[*24 FR 4956,* June 18, 1959, as amended at *35 FR 5402,* Apr. 1, 1970]

§ 202.18 Notices of Use.

Notices of use of copyrighted musical compositions on mechanical instruments, required by section 1(e) of title 17, U.S. Code, will be recorded upon receipt of a properly executed Form U and upon payment of the prescribed fees. Notices of intention to use will be received pursuant to section 101(e) of title 17, U.S. Code; no special form is provided therefor.

[seal]

1. *Code of Federal Regulations*, Title 37, Chapter II (24 F.R. 4955) as amended.