1-1-1993

Copyright Registration for Computer Programs and Screen Displays

Nancy H. Lawrence

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Recommended Citation
Nancy H. Lawrence, Copyright Registration for Computer Programs and Screen Displays, 15 Hastings Comm. & Ent. L.J. 671 (1993). Available at: https://repository.uchastings.edu/hastings_comm_ent_law_journal/vol15/iss3/6

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Copyright Registration for Computer Programs and Screen Displays

by
NANCY H. LAWRENCE*

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I
U.S. Copyright Office and Computer Programs:
Overview

A department within the Library of Congress, the U.S. Copyright Office's mission includes responsibility for implementing the registration and recordation functions of Title 17 of the United States Code. The Examining Division examines all original claims to copyright as well as renewals of copyright registrations. During the 1992 fiscal year, the Copyright Office registered 606,253 claims.

This large volume of registrations is due primarily to the statutory inducements built into the registration system: registration is a prerequisite to filing suit in federal court; prima facie evidentiary weight is accorded a certificate of registration when made within five years of publication; and statutory damages and attorney fees are available when registration is made before infringement occurs (or within three months of publication).

The Examining Division is organized into four subject-matter sections: Literary, Performing Arts, Visual Arts, and Renewals. Not all Examiners are attorneys. In fact, the typical Examiner has a liberal arts background with at least a master's degree. Examiner training takes approximately one year of rigorous one-on-one training by a Senior Examiner, followed by an on-site copyright law course taught by the Office's legal staff.

The Literary Section's twenty-five Examiners each receive approximately fifty new copyright claims per day, encompassing all types of literary works. Computer programs comprise only about four to five percent of our workload, or about two to three claims per Examiner each day. For each original claim, the Examiner must determine whether the work falls within the subject matter of copyright, whether the work is original (i.e., whether it owes its origin to the author and comprises at least a minimum amount of original material), and whether the claim complies with the legal and procedural requirements of the statute. About half of each day is spent examining new claims; the remainder of the day is spent corresponding with applicants about problem claims, telephoning to resolve certain registration problems, and reviewing replies to earlier Office correspondence regarding pending claims.

The Copyright Office has registered computer programs since 1964. The approximately 1,700 programs registered between 1964 and 1978— as prescribed by the Copyright Act of 1909—were limited to published programs, were registered under our "rule of doubt," and required the deposit of the entire program source code. Since the Copyright Act of
1976 (the Act) took effect in 1978, and the subsequent 1980 amendment clearly delineated computer programs as copyrightable subject matter, the Office's annual software registrations have increased significantly: from 7,000 in 1983 to approximately 15,000 or more today. For registration purposes, computer programs are classified as "literary works" and are defined in section 101 of the Act as "a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result."¹

II
Registration for Computer Programs

Overview. For registration purposes, screen displays are considered to be part of the computer program that generates them. The Copyright Office's single-registration policy is based on the premise that registration for a program extends to all copyrightable aspects of the program (including screen displays) that are owned by the same claimant. All of the following provisions for registration of computer programs apply to screen displays.

A twenty-dollar filing fee, a completed application Form TX, and a deposit of eye-readable identifying material (ID material) are all that is required to register a computer program. If there are no problems preventing registration, the certificate of registration will issue in about six weeks; otherwise a letter is sent to the applicant within twelve to sixteen weeks explaining what is preventing registration and suggesting how the problem can be resolved or, in some cases, explaining why registration cannot be made at all.

Special Handling. Expedited processing of a claim may be secured for $200 plus the twenty-dollar filing fee, resulting in a five-day turnaround, time during which we either issue the certificate or send a letter explaining why registration is delayed. This service is reserved for cases of pending/prospective litigation, customs matters, or contract or publishing deadlines requiring expedited issuance of the certificate.²

Application form. Form TX is the appropriate form for computer program claims.³ This form is used for all literary works, not just for computer software. It is straightforward, and consists only of the front and back of a single sheet, with helpful instructions attached. However, a few words about certain parts of the form might be useful for software applicants.

² See ML-429, POLICY DECISION: REVISED SPECIAL HANDLING PROCEDURES (Appendix A).
³ See Appendix B for a copy of Form TX.
Space 2 of the form calls for the name of the author and a description of the authorship. For an original (non-derivative) program, the space 2 “nature of authorship” statement serves not only as a description of authorship but also as a statement of the claim. General language such as “computer program” or “text of computer program” is appropriate here. Registrants should avoid descriptions such as “features,” “logic,” or “system.”

Although copyright initially vests with the author who created the work, the rights comprising the copyright can be transferred to another. Authorship of a work remains a fact and does not change; copyright ownership can change. Space 4 of Form TX should name the copyright claimant, and, if the claimant is other than the author named in space 2, space 4 should include a transfer statement explaining how the claimant obtained ownership of the copyright, e.g., “by assignment,” “by gift,” “by will,” or by other means.

A registrant should complete space 6 (the reverse side of Form TX) if the program is a derivative program; that is, if the program contains an appreciable amount of material that has been previously published, previously registered, or in the public domain. Space 6a describes the preexisting material excluded from the present copyright claim (e.g., “prior version of this program,” “public domain routines,” or “previously registered material”), and space 6b serves as a statement of claim describing the new or revised material on which the new copyright claim is based (e.g., “some new and revised code,” or “revisions to earlier program” or the like). When an Examiner sees space 6b completed describing the basis of the claim, he or she then looks at space 2 to determine who authored the new material. Thus, the space 2 description of authorship and the space 6b statement of claim should usually agree.

Space 3 of Form TX asks not only for the year date of creation (the year this particular version was completed) but also for the complete date of publication if the version of the software for which registration is sought has been published. Section 101 of the Copyright Act defines “publication” as the distribution of copies of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. Frequently, the source code for a program has remained unpublished while the object code (machine code) for that program has been published. It is useful to bear in mind that the registration is for the computer program rather than for a particular representation of the program, regardless of what form of deposit is made as part of the registration process.

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4. See list of such terms in EXAMINING DIVISION COMPUTER PROGRAM PRACTICES (Appendix C).
Therefore, if either the source code or the object code has been published, the program is said to be published, and space 3 of Form TX should give a publication date.

*Deposit.* In general, eye-readable ID material is required—at least enough for the Examining Division to determine copyrightability and for the record to identify the work adequately. You may also include the actual machine-readable copy (on diskette, tape, or cassette), but you must deposit eye-readable ID material.

The first and last twenty-five pages of source code (paper printout or microform) plus the page containing the copyright notice, if any, is the required deposit for most programs. For programs shorter than fifty pages, deposit the entire source code (plus the page containing the copyright notice, if any).

For revised programs, if the revisions occur throughout, deposit the first and last twenty-five pages of source code; otherwise, deposit any fifty pages representative of the revisions. Always include as part of the deposit the page containing the copyright notice, if any.

*Object code only.* If a registrant is unable or unwilling to deposit source code, registration will be made with only an object code deposit, consisting of the first and last twenty-five pages of object code. Object code will be accepted under the “rule of doubt” because of the inability of the Examining Division to examine object code to determine copyrightability. A letter confirming that the program as deposited in object code contains copyrightable authorship is required.

*Trade secret deposit provisions.* To take advantage of any of the optional deposit provisions for programs containing trade secrets, an applicant should include a cover letter explicitly mentioning the presence of trade secrets in the program being registered. These optional deposits enable you to comply with the deposit requirements for registration and at the same time preserve trade secrets protection. The specific options are described in Circular 61, but each one refers to blocking out the trade-secret portions of the deposit, either as much as the first and last twenty-five pages of source code with trade secret portions blocked out, or as little as the first and last twenty-five pages of object code plus any ten or more consecutive pages of source code with no blocked out portions. This “blocking out” can be accomplished various ways, such as by blocking out the lines of trade secret code with a black marker, or by

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6. Specific provisions are found in Circular 61, Copyright Registration for Computer Programs (Appendix D), and Circular 96 202.20, Final Regulation: Deposit of Copies and Phonorecords for Copyright Registration (Appendix E).

7. Circular 61, Copyright Registration for Computer Programs (Appendix D).
photocopying each page of source code through a diagonal stripped mask leaving only diagonal strips of code visible. In each instance, the code that remains visible must be greater quantitatively than that which is blocked out (i.e., no more than forty-nine percent of the code in the particular deposit can be blocked out). There are similar provisions for revised programs containing trade secrets.

Although our deposit regulation provides for special relief (i.e., relief from the usual required deposit so that the Office can accept less than or other than the required deposit), we will very rarely approve a request for special relief for programs containing trade secrets. The optional deposit provisions designed specifically for trade secret programs should be adequate in nearly all instances. But for other reasons, special relief may be requested via letter to the Chief of the Examining Division, explaining why a registrant is unable or unwilling to comply with the usual deposit requirement and indicating what deposit is desired. These requests are considered on a case-by-case basis.

Computer programs embodied in CD-ROMs. CD-ROMs are gaining commercial popularity for their ability to store enormous quantities of multimedia digital information—text, sounds, images, and motion. The Library of Congress wants to acquire CD-ROM formats for its collections, and to that end we have modified our deposit requirements for registration to require the deposit of the CD-ROM for any work (not just computer programs) embodied in that format. Thus far, the Examining Division has seen only a few CD-ROMs submitted for registration that are used strictly as storage for computer software; such works are subject to this new deposit requirement of the entire CD-ROM package: the CD-ROM, any accompanying operating software (usually on a separate disk but sometimes contained within the CD-ROM disk), any user's manual, and a printed version of the work if one exists.

For the Copyright Office to examine claimed software stored on the CD-ROM, the accompanying operating software must first be loaded into a CD-ROM reader in our office (a PC with a CD-ROM drive and essential peripherals) to gain access to the software for which registration is sought. Unless we can see the actual software code being claimed (as opposed to seeing what that software does), we will ask for deposit of ID material—such as a printout of the first and last twenty-five pages of the source code.

This fairly new deposit requirement for CD-ROM works applies to all works embodied in CD-ROM format. Most such works are large anthologies of literature, multimedia encyclopedias, large compilations of financial, business, or other hard data, and other similar material. Rarely is the applicant claiming ownership in the accompanying operat-
ing software, either because it is licensed from someone else or because it has already been registered separately and is simply an adjunct to the deposit, making it possible for the purchaser or user to gain access to the contents of the CD-ROM and to interact with the material stored on the CD-ROM.⁸

III
Screen Displays

A. Background

In the early 1980s, videogame pictorial screen displays were either registered together with the underlying code or separately as audiovisual works. Courts in several cases held that videogame pictorial screens could be registered as audiovisual works.⁹ While pictorial screen displays were deemed copyrightable, the Copyright Office had no policy for registration of textual screen displays, which at that time were rarely deposited.

In the mid-1980s, early deposits of textual screen displays were deemed registrable as part of the underlying computer program code. Disparate treatment of screen displays by the courts prompted the Copyright Office to hold a public hearing in September 1987 to solicit public comments on the issue.

In June 1988, the Copyright Office decided that a computer program and its related copyrightable screen displays, whether textual or pictorial/graphic in nature, should be registered in a single registration when both aspects are owned by the same claimant.¹⁰

B. Current Screen Display Registration Practices: Summary

Under the 1988 policy decision, only one registration is permitted for the same version of a computer program, and that registration will extend to all copyrightable aspects of the program owned by the same claimant, including any screen displays generated by the program. Under this single-registration policy, an applicant has the option of depositing ID material for the screen displays together with the required ID material for the program code. An applicant also has the option of stating a specific claim in the screen displays, and if such a claim is made, ID material for the screens must be deposited. All ID material for

⁸ See ML-433, Final Rules: Registration of Claims to Copyright Deposit of CD-ROM Format (Appendix F) for the complete text of this regulation.
⁹ See, e.g., Stern Elecs. v. Kaufman, 669 F.2d 852, 855 (2d Cir. 1982).
¹⁰ See ML-387, Notice of Policy Decision: Registration and Deposit of Computer Screen Displays (Appendix G).
screens will be examined for copyrightability, even where screen displays are not claimed on the application.

Once registration is made for the program, it is considered to extend to any copyrightable screen displays embodied in the program, even if screens are not mentioned in the application and no ID material for the screens is deposited. No second registration will be permitted for the same version of the work as a means of putting in the record a specific claim in screen displays. Similarly, if an applicant chooses to register only the screen displays, the Copyright Office will not make a later registration for that same version of the computer program.

**Classification.** Classification is based on predominant authorship of a program and its related screens. The applicant usually makes this determination: predominantly textual material is classified in Class TX; predominantly audiovisual screens (i.e., containing a substantial number of related pictorial images, of which at least some are deemed copyrightable) are classified in Class PA.

**Nature of Authorship.** To fulfill the nature of authorship requirement, the description “computer program” will suffice. If a specific claim in screens is also asserted, any of the following are acceptable: “computer program and screen displays,” “computer program and text of screen displays,” “computer program and artwork on screen displays,” or “computer program and audiovisual work.”

Registrants should avoid “menu screens” to describe authorship—such screens are rarely registrable, because they are functionally determined, much like a table of contents in a book. For menu screens that contain copyrightable authorship apart from the menu listing, a registrant should describe such authorship as “text of screens” or “artwork on screens.”

Registrants should avoid “user interface” as a description of authorship as well, because the phrase is ambiguous. Similarly, one should avoid a specific claim in the “structure, sequence, and organization” (SSO) of the program, as the courts still do not agree on how this claim should be treated.

**Derivative programs with new or revised screens.** A registrant should register a derivative program with new or revised screens as a revised program, with or without specific reference to those screens. The new registration extends to copyrightable changes or additions to both the code and resulting screen displays. If a registrant asserts a specific claim in new or revised screens, ID material for the new or revised screens must also be deposited.

**Effective date of registration (EDR).** The EDR is established on receipt of an acceptable application, the deposit, and the fee. The deposit
required to establish the EDR is ID material for the program or a machine-readable copy of the program; ID material for screens alone, while not establishing EDR for the program and its screens, will establish the EDR where the registrant does not claim copyright in the computer program but is limiting the claim to the screens only.

Deposit of ID material for screens. In general, a registrant should send printouts, photographs, or drawings clearly revealing the content of the screens. A registrant may send as few or as many screen displays as he or she likes. For predominantly audiovisual screens, a VHS videotape is required.

Screens reproduced in a user’s manual are not acceptable as ID material for screen displays; separate ID material for the screens is required.

All ID material for screens will be examined for copyrightability. If some screens are copyrightable and some are not, all will nonetheless remain together as part of the deposit. The claim is then registered, and the Copyright Office sends the applicant a warning letter that some screens are not copyrightable and, if separately used or separately infringed, might not be protected. If there are no separately copyrightable screens represented in the ID material for the screens, all such ID material is removed from the deposit for the program and filed in a correspondence file. Any reference to screens on the application must be removed before registration for the program can be completed, and the applicant receives a letter explaining why the ID material for the screens was separated from the rest of the deposit material.

The standard of copyrightability applied to screens is identical to that applied to the same material in any other medium (e.g., blank forms, simple menu listings, etc.). De minimis text in any medium is not registrable.

Separate registration for User’s Manuals containing screens. For registration purposes, screens are part of the computer program and not part of the registration for a user’s manual. When the Copyright Office receives a claim submitted in a user’s manual only, the Examining Division does not examine the screens reproduced in that manual. Note, however, that the issue becomes moot whenever a user’s manual is included in the registration for a computer program. Appropriate claim statements for a manual include “user’s manual,” “text of user’s manual,” or the like.

For detailed provisions, see Circular 61, Copyright Registration for Computer Programs, at 4 (Appendix D); see also ML-399, Final Regulations: Registration of Claims to Copyright Deposit Requirements for Computer Programs Containing Trade Secrets and for Computer Screen Displays, at 4-5 (Appendix H).
IV

New Developments in Software

Graphical Interfaces. Pictorial object-oriented programs appear to be gaining popularity. In such programs, the user combines pictorial (iconic) symbols rather than writing the alpha-numeric code such symbols represent. Each pictorial symbol represents encoded instructions, in much the same way that function keys and macros activate a series of commands without the user entering all the commands. Such source code deposits look almost entirely pictorial or graphic, and are not at all "literary" in appearance, as they reproduce both the sequence of iconic selections and the relational arrangements of those selections. Such programs are easy to use because they do not require knowledge of a particular source language to be used in creating a new program. One might wonder whether these pictorial source deposits represent "literary" authorship or whether they better represent "compilation" authorship. The Copyright Office generally accepts these deposits as source code equivalents and registers the works as computer programs.

Add-on programs. Add-on programs are pre-existing programs that function as a tool or shell for the user to customize in order to produce either additional programs or particular output products (reports, spreadsheets, etc.). The user's contributions or "add-ons" to these programs span a continuum from real programming at one end to merely using the existing program as a tool for some specific purpose (setting margins, spacings, column sizes, etc.). Where the line is drawn between copyrightable new authorship and mere noncopyrightable lists of user procedures is not always apparent. The statutory definition of computer program is not particularly helpful if one considers that even a list of user procedures, when implemented, instructs a computer "to bring about a certain result."

Artificial-intelligence programs. For some time now the Copyright Office has been registering claims in various knowledge-based programs

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12. Section 101 of the Copyright Act defines "literary works" as:
works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, film, tapes, disks, or cards, in which they are embodied.


13. Section 101 of the Copyright Act defines a "compilation" 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.

Id.

comprised of extensive lists of rules or protocols that are consulted by the program in answering a question or predicting the most likely outcome given certain specific factual circumstances. Such programs are used extensively, for example, in medical diagnostics and weather forecasting. Sometimes the Office receives only the source code for the inference engine (the functional program that controls the problem-solving process); at other times, the deposits contain the various lists of rules and "givens" for the relevant environment.

"Neural networks" are artificial intelligence programs that attempt to simulate at an elementary level the functioning/problem-solving capabilities of the human brain. An important part of such programs are tables of "weights," or values assigned to variables that affect the outcome or conclusions drawn by the program in solving a problem or completing a task. Although the Copyright Office has not yet received any neural network programs for registration, the Office did register at least one short table of weights in 1989 that related to a particular neural network program. At the time of registration, however, the Copyright Office was unaware of neural networks or the purpose of the table of weights. Because neural networks can, through countless repetitions, train themselves to produce unexpected solutions, results, or conclusions, authorship of such unanticipated end products not directly controlled by the creator of the neural network program poses an interesting question. Legal commentators have explored this issue extensively, generally agreeing that such weights should be copyrightable.\(^\text{15}\)

V

Conclusion

The Copyright Office is beginning to see some blurring of what used to be clear distinctions between hardware and software, and between program code, consisting of commands and instructions, and digital data. The rate of change is rapid. The literary staff of Examiners barely masters a basic recognition of one type of code before something new and different appears. Rather than respond with dismay, however, the Examining Division tends to delight in the challenge of determining the basic and primary elements of copyrightability. The Copyright Office appreciates the patience and helpful input of registrants, as together we try to discern the outer boundaries of copyrightable subject matter, deferring, of course, to the courts, which have responsibility for ultimately refining those boundaries and determining the proper scope of copyright protection.

\(^{15}\) See, e.g., Donald L. Wenskay, Neural Networks: A Prescription for Effective Protection, 8 COMPUTER LAW. 12, 13 (Aug. 1991).
Appendix A

Policy Decision: Revised Special Handling Procedures
POLICY DECISION: NOTICE OF REVISED PROCEDURES.

POLICY DECISION: REVISED SPECIAL HANDLING PROCEDURES

The following excerpt is taken from Volume 56, Number 152 of the Federal Register for Wednesday, August 7, 1991 (p. 37528)

COPYRIGHT OFFICE, LIBRARY OF CONGRESS

Policy Decision: Revised Special Handling Procedures

Policy Decision: Notice of revised procedures

Summary: The Copyright Office of the Library of Congress issues this Policy Decision to inform the public of changes in the procedures for requesting and obtaining special handling, i.e., expedited service, in connection with registration of claims to copyright, recordation of documents, and other services rendered to the public under the Copyright Act. Title 17 of the U.S. Code. The basic procedures and the fee for the special handling service are unchanged. The Copyright Office will now accept payment for the special handling service by personal check and the required justification has been simplified.

Effective Date: August 7, 1991.

For further information contact: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559; (202) 707-3350.

SUPPLEMENTARY INFORMATION

1. Background

Section 706(a) of the Copyright Act, title 17 of the United States Code, prescribes a schedule of fees that must be remitted to the Copyright Office on filing applications to register claims to copyright, to record documents pertaining to copyright, and for other services rendered to the public under the Act. Subsection (10) of section 706(a) gives the Register of Copyrights the authority to fix a fee for any special services requiring a substantial amount of time or expense based on the cost of providing the special service.

"Special handling" is a procedure established within the Copyright Office to reduce the length of time required to process an application for registration of a claim of copyright or to record a document pertaining to copyright. Special handling is granted at the discretion of the Register of Copyrights in a limited number of cases as a service to copyright registrants who have compelling reasons for the expedited issuance of a certificate of registration or a certificate of recordation of a document. In June 1982, a special handling fee for registration was fixed by the Register of Copyrights.

Special handling of requests for issuance of a certificate of recordation impacts upon every step of the registration process. Under normal procedures applications for registration pass through the various processing steps in groups which are administratively efficient. A claim that receives special handling must be processed outside of the normal work flow necessitating individual handling at each step and individual routing between work stations. A separate system of controls must be maintained for the special handling of claims to assure both that they move expeditiously through the necessary procedures and that they can be located quickly if the need should arise. Each of these activities involves more employee time than claims in the normal work flow since employees could otherwise be more efficiently occupied processing ordinary claims.

The Copyright Office reviewed its experience under these procedures in 1984 and re-evaluated the costs associated with special handling of registration applications. The Office found that processing of special handling requests involved more special administrative procedures than had been identified at the time the Register set the original special handling fee. The Office also found that the large number of special handling requests was more disruptive of routine processing procedures than anticipated. The Register of Copyrights consequently determined that the special handling fee would be increased to $200 to recover the administrative costs of providing this special service. At that time the Office also established a fee for processing multiple applications. In 1985 the Register of Copyrights determined that the fee for the special handling of a recordation of a document should be $200, based on the cost of this service.

Under the authority of section 706(a)(10) the Register of Copyrights determined that the requestor of special handling service should pay, in addition to the normal applicable filing fee or recordation fee, the cost of additional staff time involved in the special handling of cases, computed at overtime rates plus a reasonable administrative fee.

The special handling fee is charged for each application for registration or for each recordation of a document pertaining to copyright for which special handling service is requested and granted, with the following exception: If
special handling is requested for only one of several claims submitted at the same time with a single deposit, which is an acceptable deposit for all the claims, the fee for processing the additional claim is $50.00 each plus the filing fee for each claim. The claim for which special handling is requested is processed for the $200.00 special handling fee plus the filing fee. This narrow exception applies only where a single set of deposit copies may appropriately be submitted to register multiple claims, in accordance with the practices of the Copyright Office. The applicant is given the option of submitting an additional set of copies for each application to avoid assessment of the special $200.00 fee. If multiple applications are accompanied by individual sets of deposit copies, claims for which special handling is not requested are processed routinely. Only one claim(s) for which special handling is requested and granted are processed specially.

If the request for special handling is granted, the fee is nonrefundable. The Copyright Office makes every effort to process the claim within five working days after the request has been approved. Within that period the Office either issues the certificate of registration or notifies the applicant of any defect in the claim. If correspondence is required, the Office will make every effort to process the claim expeditiously after the reply is received.

2. Policy Revivals

Recently, the Copyright Office reviewed the general policies governing special handling. Based on this review, the Office confirms the policies described above but makes the following 1 adjustments regarding the payment of the fee and the amount required to justify a request for special handling:

a. Personal checks. Under existing policies, the Copyright Office has required payment of the special handling fee in the form of cash, certified check, cashier’s check, or money order. Personal checks have not been accepted. The Office has noted that this policy poses problems for those who request special handling by mail. The Office returns the personal check and must delay processing the special handling request until acceptable payment is received. After several years of experience with special handling, the Office is prepared to change its policy and accept personal checks in payment of the special handling fee. The Office cautions, however, that the registration or recordation will be cancelled if the check is returned for insufficient funds. The Office will refuse to accept future personal checks from a special handling request once any personal check is returned for insufficient funds.

b. Justification for special handling. Requests for special handling are only granted in cases involving pending or prospective litigation, customs matters, or contract or publishing deadlines that necessitate the expedited issuance of a certificate. The existing policy requires requestors to use the form available to the Public Office or to submit a cover letter answering various questions concerning the need for special handling. The Office has decided to accept either the special form or a letter that clearly answers the question: “Why is there a need for special handling?” In either case the request must include a signed statement certifying that the information contained in the request is true.

3. Procedure for Requesting Special Handling

Requests for special handling may be made on the form available in the Public Information Office of the Copyright Office, room 114-401, James Madison Memorial Building, Library of Congress, 101 Independence Avenue, S.E., Washington, D.C. The Office will also consider requests by mail provided that the Special Handling Request form is used or a cover letter submitted, which gives an answer to the following question: “Why is there an urgent need for special handling?” It is also necessary to certify that the answer to this question is correct to the best of the requestor’s knowledge. A mailed request for special handling should be sent to the Library of Congress, Box 100, Washington, DC 20040.

The letter inside should clearly indicate that it is a request for special handling. The request for special handling of a registration must be accompanied by a completed application, the required deposit copies, phonorecords, or identifying material, and the $200.00 fee plus the applicable filing fee. The request for special handling of a recordation of a document containing copyright must be accompanied by a document meeting the requirements for recordation and the $200 fee plus recordation fees ($20 for a document listing no more than 1 title, plus $10 for each group of 10 or fewer additional titles). The fee may be charged to a deposit account established in the Copyright Office. If the deposit account contains insufficient funds to cover the total special handling fee, or if the remitter does not maintain a deposit account, the total special handling fee may be paid either in person at the Public Information Office in Washington, D.C., or it may be remitted by mail. Such payment must be in cash, check, or money order made payable to the Register of Copyrights. Cash should not be sent by mail, however.

A request for special handling will be granted only in cases involving pending or prospective litigation, customs matters, or contract or publishing deadlines that necessitate the expedited issuance of a certificate. Special handling procedures may be applied to cases pending in the Copyright Office, provided the previously mentioned criteria are met.

Date: July 4, 1991.

Ralph Oman,
Register of Copyrights.

[FR Doc. 91-18686 Filed 8-8-91; 8:45 am]

BILLING CODE 4810-01-M

Note: This address exactly as shown. Do not include a reference to the Copyright Office or any other information.

ML-429
August 1991-500

1 Error: line should read: “the claim(s) for which special handling”

2 Error: line should read: “sought above but makes the following”
Appendix B

U.S. Copyright Office Form TX
Filling Out Application Form TX

Detach and read these instructions before completing this form. Make sure all applicable spaces have been filled 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, including 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 SD.

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 one phonorecord 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 works first published on or after March 1, 1989, the law provides that a copyright notice in a specified form "may 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 "Cp," (2) the year of first publication; and (3) the name of the owner of copyright. For example: © 1989 Jane Cole. The notice is to be affixed to the copies "in such manner and location as to give reasonable notice of the claim of copyright," works first published prior to March 1, 1989, must carry the notice or risk loss of copyright protection.


LINE-BY-LINE INSTRUCTIONS

1 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 copy or phonorecord of the work bear a title (or an identifying phrase that could serve as a title), transcribe that wording exactly and exactly as it appears. Indicating 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.

2 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 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 full name of the author's name should be given. Unless the work was "made for hire," the individual or entity that undertook the work is its "author." In the case of a work made for hire, the statute provides: "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 television program, as a radio program, as a publication, as a merchantable item, as an account, as an advertisement, as a test, or as an essay, article, or other contribution to a collective work prepared by an "employee within the scope of his or her employment," or (3) the work is a "work made for hire" under the statutes of any country of the world.

"Anonymous" or "Pseudonymous" Works: 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 on Form TX; (2) type the word "Anonymous" on the line, or (3) give the real name of the author and immediately after it type the word "Anonymous." If the work is "pseudonymous," you may (1) leave the line blank on Form TX; (2) give the pseudonym and the real name on the line, or (3) give the pseudonym and the real name in parentheses. If the work was prepared for use as a contribution to a collective work, you should use the "pseudonym and the real name" method (for example: "Humphrey Hawsph, pseudonym "Flint," 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 in 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."
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 or published. The work has been created when 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: "Copyright of entire text": "Chapter II--IV: "Editorial revisions": "Compilation and English translation": "New text:"

4 SPACE 4: Claimant(s)

Name and Address of Copyright Claimant: 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 person prepared the work (including, in the case of a work 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 belonged 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 an copyright claimant named in space 4 is not an author named in space 2, give a brief statement explaining how the claimant obtained ownership of the copyright. Examples: "By written contract," "Transferred to 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 generally possible unless: (1) the work has been registered in an 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 TK, instead, write the Copyright Office for information about supplementary registration or reversion 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.
FORM TX
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX
TXU

EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared.

Title of Collective Work

If published in a periodical or serial give: Volume V Number V Issue Date V On Pages V

2

NAME OF AUTHOR

DATE OF BIRTH AND DEATH

Was this contribution to the work a work made for hire?

Yes No

AUTHOR'S NATIONALITY OR DOMICILE

Citizen of W

Was this author's contribution to the work Anonymous? Yes No

Pseudonym? Yes No

NOTE Under the law the "author" of a work made for hire is generally the employer-

ing firm. Pseudonyms and other names of participants should be listed in the copyright and in any notices that are given to the public.

NAME OF AUTHOR

DATE OF BIRTH AND DEATH

Was this contribution to the work a work made for hire?

Yes No

AUTHOR'S NATIONALITY OR DOMICILE

Citizen of W

Was this author's contribution to the work Anonymous? Yes No

Pseudonym? Yes No

NAME OF AUTHOR

DATE OF BIRTH AND DEATH

Was this contribution to the work a work made for hire?

Yes No

AUTHOR'S NATIONALITY OR DOMICILE

Citizen of W

Was this author's contribution to the work Anonymous? Yes No

Pseudonym? Yes No

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

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

PAYMENT RECEIVED

NOTE On this line, give the number of the blank space on the back of this form for the material used in this work. All blanks must be completed.

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.

MORE ON BACK ▶

Page 1 of 6
Appendix C

Examining Division Computer Program Practices
I. SPACE 1, OR ON DEPOSIT

1) Title implies that this is not the first version of the computer program.
   EXAMPLES: Version 4, Modification 3
              Version 2, MOD 6
              Version 5.3
              Version 3, 4. 5
              V4.2

CLEAR: Assume earlier versions were unpublished, unregistered developmental versions unless information elsewhere (application, deposit, or cover letter) negates this assumption.

2) No title on identifying material. (applicable to unpublished and published computer programs)

   ADD the title or a title page to the identifying material, whether for a published or unpublished program.

   ANNOTATE "added by C.O. from application."

3) Where the title indicates a claim in a PAL or in programmable array logic, logic arrays, or gate arrays, refer the claim to your section head via CMS.

4) Where the title indicates a claim in an expert system or refers to artificial intelligence ("AI"), knowledge base or rule base programs, refer to Taru or Victoria on CMS. For more information see memo dated 5/24/90 in chapter 20D.

5) Where the title refers to typeface or typefont or where Space 1 includes the name of a particular typefont (for example HELVETICA, TIMES ROMAN, etc.) forward to your Section Head on CMS.

II. SPACE 2. NATURE OF AUTHORSHIP

1) Acceptable authorship statements:

   computer program
   entire program
   entire text
   entire program code
   entire computer code
   entire work
   software, computer software
   Source/object code (or "source and object code" or "source code-object code")
text of program
program text, programming text
program listing
program instructions
text of computer game
text of ... (except "text of object code" or text of algorithm)
wrote program
module
routine
subroutine

(Blank)*

ENTER, unless contradictory information appears elsewhere.

* NOTE: Where nature of authorship is blank and deposit consists of
more eye-readable material than just the program printout
(e.g., user's manual), annotate space 1 "Deposit consists of
identifying portions of the computer program plus (User's
Manual)." If writing about something else, you may request
appropriate completion of space 2, if length of the letter
permits.

2) Questionable authorship statements:

Automation of...
compilation
computerized...
debugging
enhancements
error corrections
features
modifications
patching

Questionable: depending on nature and quantity of reworking,
these terms may or may not represent copyrightable authorship.
SEND GL-71A, which requests explanation and directs the
applicant to send a new application with better authorship
statement (if copyrightable authorship is present).

3) Translation/adaptation statements:

a. translation to FORTRAN (or another language, but not
   translation alone.
   
   ENTER, unless contradictory information appears elsewhere.

b. translation (listed alone)

   SEND GL-71A (requesting explanation and fuller authorship
   statement where the translation is copyrightable.)

c. translation (where program appears to have been modified to
   run on a different computer.)
SEND GL-71D, questioning the basis of the claim and suggesting better description of authorship.

d. adaptation (where program appears to have been adapted to run on a different computer.)

SEND GL-71E, asking for explanation.

4) Unacceptable authorship statements:

<table>
<thead>
<tr>
<th>Algorithm (or text of...)</th>
<th>Logic</th>
</tr>
</thead>
<tbody>
<tr>
<td>analysis</td>
<td>macro(s)/macro language *</td>
</tr>
<tr>
<td>cassette</td>
<td>macro(s)/macro statements *</td>
</tr>
<tr>
<td>cell by cell *</td>
<td>matrix *</td>
</tr>
<tr>
<td>cell(s) *</td>
<td>mnemonics</td>
</tr>
<tr>
<td>chip</td>
<td>model *</td>
</tr>
<tr>
<td>commands *</td>
<td>overlay *</td>
</tr>
<tr>
<td>computer game</td>
<td>parameter(s) *</td>
</tr>
<tr>
<td>computer language(s)</td>
<td>printout</td>
</tr>
<tr>
<td>designed program</td>
<td>programmer</td>
</tr>
<tr>
<td>disk</td>
<td>PROM</td>
</tr>
<tr>
<td>encrypting</td>
<td>rules #</td>
</tr>
<tr>
<td>EPROM</td>
<td>shell program *</td>
</tr>
<tr>
<td>expert system #</td>
<td>software methodology</td>
</tr>
<tr>
<td>firmware</td>
<td>spreadsheet *</td>
</tr>
<tr>
<td>formatting</td>
<td>system</td>
</tr>
<tr>
<td>formula(s) *</td>
<td>system design(er)</td>
</tr>
<tr>
<td>functions</td>
<td>template(s) *</td>
</tr>
<tr>
<td>inference engine #</td>
<td>worksheet *</td>
</tr>
<tr>
<td>knowledge base/system #</td>
<td></td>
</tr>
<tr>
<td>language</td>
<td></td>
</tr>
</tbody>
</table>

SEND GL-71B, which suggests appropriate terminology.

* Refer these directly to Taru or Victoria on CNS. (These terms may refer to an add-on program, expert system or knowledge base work)

# Refer directly to Taru or Victoria on CMS. These terms may indicate a knowledge base computer program. [For more information, see Memo of 5/24/90 in Chapter 20D.]

5) Object code authorship statements:

<table>
<thead>
<tr>
<th>Object code</th>
</tr>
</thead>
<tbody>
<tr>
<td>text of object code</td>
</tr>
<tr>
<td>object listing</td>
</tr>
</tbody>
</table>

SEND GL-71C, which requests new application and suggests appropriate terminology.

NOTE: Though it is possible to write a program in object code, this is generally not done, so it is unlikely that "object code" would be an accurate description of authorship.
5) Flow chart authorship statements:

Flow chart
compiled text of flow chart

Unpublished work:

When the flow chart is deposited, CLEAR.

When the flow chart is not deposited, WRITE to request either a copy of the flow chart, or the removal of the reference to the flow chart in space 2.

Published work:

When the flow chart is deposited with a computer program or other material, CLEAR.

Only when the flow chart is clearly not part of the unit of publication would we write to suggest separate registration for flow chart.

When the flow chart is not deposited, WRITE to question whether the flow chart is part of the unit of publication, requesting deposit of flow chart if it is. Suggest separate registration of the flow chart if it is not part of the unit of publication.

NOTE: While the logic of a flow chart is generally incorporated in a computer program, the flow chart itself is usually not published.

III. SPACE 3

Publication line specifically refers to "object code only", implying that only the object code has been published.

WRITE requesting removal of any reference to "object code" at space 3.

Rationale: From the applicant's perspective, there is a valid distinction between the publication status of his source code and his object code. Typically only the object code per se has actually been published. Thus his statement at space 3 is not exactly inaccurate.

However, for registration purposes, the C.O. emphasizes that it is the "program" and not its particular object code or source code format that is being registered and that is subject to copyright protection. To that end we ask for deletion of the "object code" reference at space 3 so that the registration record reflects the facts for the "program" which we presume to be published if either its source or its object code has been published.
IV. SPACE 6

1) Space 6, part I specifically refers to unpublished and or unregistered previous versions of the computer program.

Ignore as superfluous information. But if the information makes the extent of the claim unclear, WRITE or CALL, requesting deletion of all such information from space 6 when the program has not been previously registered or published.

2) Acceptable descriptions of New material:

- computer program
- editorial revisions
- module
- new or revised (computer) software
- program instructions
- program listing
- programming text
- revised revisions of...
- routine
- subroutine
- text of computer game
- text of ... (except "text of object code")
- text of program
- wrote program

3) Questionable descriptions of New material:

- automation of...
- compilation
- computerized...
- debugging
- enhancements
- error correction
- features
- modifications
- patching

Questionable; may or may not represent copyrightable new matter. SEND GL-71A.

4) New material described as translation or adaptation:

a. translation to PASCAL (or another language, but not "translation" alone)

b. translation (listed alone)

SEND GL-71A, requesting more complete new matter statement where the translation is copyrightable.
c. translation (where program appears to have been modified to run on a different computer.)

SEND GL-71D, questioning basis of claim.

d. adaptation (where program appears to have been adapted to run on a different computer).

SEND GL-71E, asking for explanation.

5) Unacceptable descriptions of New material:

<table>
<thead>
<tr>
<th>Algorithm(s)</th>
<th>Macro(s)/macro language *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analysis</td>
<td>Macro(s)/macro statements *</td>
</tr>
<tr>
<td>Cassette</td>
<td>Matrix *</td>
</tr>
<tr>
<td>Cell by cell *</td>
<td>Anemomicks</td>
</tr>
<tr>
<td>Cell(s) *</td>
<td>Model *</td>
</tr>
<tr>
<td>Chip</td>
<td>Overlay *</td>
</tr>
<tr>
<td>Commands *</td>
<td>Parameter(s) *</td>
</tr>
<tr>
<td>Computer game</td>
<td>Printout</td>
</tr>
<tr>
<td>Disk</td>
<td>Programmer</td>
</tr>
<tr>
<td>Encrypting</td>
<td>PROM</td>
</tr>
<tr>
<td>EPROM</td>
<td>ROM</td>
</tr>
<tr>
<td>Expert system #</td>
<td>Rules #</td>
</tr>
<tr>
<td>Firmware</td>
<td>Shell program *</td>
</tr>
<tr>
<td>Formatting</td>
<td>Software methodology</td>
</tr>
<tr>
<td>Formula(s) *</td>
<td>Spreadsheet *</td>
</tr>
<tr>
<td>Functions</td>
<td>System</td>
</tr>
<tr>
<td>Inference engine #</td>
<td>System design(er)</td>
</tr>
<tr>
<td>Knowledge base/system #</td>
<td>Template(s) *</td>
</tr>
<tr>
<td>Language</td>
<td>Worksheet *</td>
</tr>
<tr>
<td>Logic</td>
<td></td>
</tr>
</tbody>
</table>

SEND GL-71B, which suggests appropriate terminology.

* Refer these directly to Taru or Victoria on CMS. (These terms may refer to an add-on program, expect system or knowledge base work)

# Refer directly to Taru or Victoria on CMS. These terms may indicate a knowledge base computer program. [For more information, see Memo of 5/24/90 in Chapter 20D.]

6) New material described as object code:

<table>
<thead>
<tr>
<th>Object code</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Object listing</td>
<td></td>
</tr>
<tr>
<td>Text of object code</td>
<td></td>
</tr>
</tbody>
</table>

SEND GL-71C, modified for space 6, which requests removal of the statement, and suggests appropriate terminology.

- 6 -
V. DEPOSIT (For works published between 1-1-78 and 3-1-39, see VI).

A. Summary of Computer Program Deposit Requirements (eff. 5/1/89)

Regular Computer Programs (no trade secrets)

> First and last 25 pages of source code

> If shorter than 50 pages, deposit entire source code.

> Revised programs:

--- first and last 25 pages of source code if revisions occur therein;

--- otherwise, any 50 pages of revised/added source code.

Computer Programs containing trade secrets

> First and last 25 pages of source code with some code blocked out;

> First and last 10 pages of source code with no blocked out portions;

> First and last 25 pages of object code plus 10 or more consecutive pages of source code with no blocked out portions;

> For programs shorter than 50 pages, entire source code with some code blocked out;

> Revised programs with trade secrets:

--- where revision occur throughout, first and last 25 pages of source code with some code blocked out;

--- otherwise, 20 pages of source code containing revisions with no blocked out portions; or

any 50 pages of source code containing revisions with some code blocked out.

NOTE: Whenever portions of code are blocked out, the following requirements must be met:

(1) The blocked out portions must be proportionately less than the material remaining; and

(2) The visible portion must represent an appreciable amount of original computer code.

Object Code only (with or without trade secrets):

Rule of doubt registration and warning.
Claims in Computer Screen Displays

If application for computer program specifically claims in screen displays, the deposit must also include appropriate identifying material:

-- printouts, photos, drawings;

-- if predominantly A-V in nature, video tape (half-inch VHS)

Exception: if videotape is demo of program functioning, we want printouts, photos, or drawings.

B. Problem situations.

1) Both source code and object code printout (first and last 25 pages of each) deposited with one application for the computer program.

ENTER, forwarding both the source and object code identifying material with the application.

2) Only machine-readable copy deposited.

If deposit is a compact disk (CD-ROM), forward to Section Head.

If deposit is a diskette, cassette, tape, etc., SEND GL-72, which requests source code listing.

If deposit is any kind of chip (ROM PROM, EPROM, etc.) including those incased in a cartridge, SEND GL-72 with OPTION A, which requests source code listing and returns the chip.

NOTE: EDR will be based on the date of receipt of the machine-readable copy.

Keep machine-readable copy with identifying material when registering the claim (except for chips.)

3) Both identifying material and machine-readable copy deposited.

ENTER, forwarding both deposits with the application, unless machine-readable copy is a chip.

If machine-readable copy is a chip, ENTER claim, forwarding only the identifying material. SEND GL-73, returning the chip to the applicant.
4) Only object code deposited. 
SEND GL-70 discussing "rule of doubt" registration.

Use OPTION A if the work was first published between January 1, 1978 and March 1, 1989 and there is no notice on the identifying material deposited.

NOTE: EDR will be based on the date of receipt of the object code listing.

ASCII, which could appear to be source code, is a form of object code.

Any non-source code formats should be treated as object code, with appropriate modifications to the guide letters. CONSULT with a Team Leader or Senior Examiner before taking action.

5) First and last 25 pages of only object code deposited, with covering letter confirming original copyrightable authorship.

ENTER, and SEND GL-70B, warning that registration is made under "rule of doubt", and that no determination has been made concerning the existence of copyrightable authorship.

6) Single claim filed with space 2/6 asserting a claim in computer program plus clearly copyrightable user's manual (or other printed documentation; deposit consists of manual (or documentation) plus only object-code listing.

If cover letter confirms copyrightable authorship in the object code deposited, ENTER and send GL-70A warning about the doubtful status of the program. (OPTION A)

Otherwise, WRITE sending GL-70A (Option B) requesting source code or their written statement confirming copyrightability of the program as deposited in object code.

7) Deposit is acceptable source code listing. Cover letter describes deposit as object code and confirms presence of copyrightable authorship.

If application is acceptable, enter claim and ignore cover letter. If application refers to authorship of object code, see practices under "Nature of Authorship."

8) Separate copies of source code and object code (first and last 25 pages of each) deposited for a single computer program with two separate applications.

WRITE, suggesting a single registration with both source code and object code listings combined.

NOTE: The application should be completed with regard to the computer program itself, not with regard to either the source or object code version.
3) One copy of published manual or other printed documentation submitted with computer program identifying material.

ENTER. Even if correspondence is otherwise necessary, do not request second copy.

Background: Anytime a hard-copy manual is published as part of a multi-media kit (i.e., a unit of publication containing as few as two different media, such as a manual published with a diskette containing the computer program), only one copy of the manual is required for registration. [See ML-347, page 5, (F) multi-media kit.] Since most manuals are published together with their respective programs, this is the rationale for our requirement of only one copy of a manual, even when that manual is being registered separately from the program with which it is published.

**Exception:** The only time we require TWO COPIES of a manual is when that manual is not part of a multi-media unit of publication, e.g., when the manual is published alone (typical examples would be third-party manuals), or the extremely rare situation of a single-medium unit of publication where, for example, the hard-copy manual is published together with only a hard-copy computer program so that the unit of publication is all print and not multi-media.

Thus, for the sake of expediency, we assume that the unit of publication is multi-media and we accept the deposit of only a single copy of the manual unless information in the deposit material indicates otherwise. Third-party manuals are the exception since they are usually published alone; two copies of a published third-party manual are required.

10) Deposit for program published before March 1, 1989 does not include the page or equivalent unit with the copyright notice.

SEE Section VI Notice

11) Deposit and/or authorship statement imply audio-visual work requiring intersectional referral to PA Examining Section.

Follow intersectional referral procedure.
12) Less than 50 pages deposited. Do we assume it represents the entire program or do we inquire? (Deposit regulation requires deposit of entire program when less than 50 pages long.)

ACCEPT as complete unless something in the deposit material indicates that we do not have the entire program.

Otherwise

CALL & ANNOTATE. Confirm that deposit represents the entire program. If so, annotate "Deposit confirmed per telephone call of ______ with ______." WRITE if unable to reach remitter by phone. Send GL-74. Check correspondence box on application when clearing claims; do not annotate. If reply includes remainder of computer program, EDR will be the date the reply is received.

13) Fifty (50) pages deposited for a revised version. Do we assume they meet the deposit requirement or do we inquire?

NOTE: Deposit regulation of 5/1/89 requires first and last 25 pages if the revisions occur throughout the entire program, otherwise, any 50 pages representative of the revised material.

ACCEPT as is unless there is some indication that the revised/new material is not represented in the deposit.

Otherwise:

CALL & ANNOTATE (as in #12 above).

WRITE if unable to reach remitter by phone. Send GL-75. Check correspondence box on application when clearing claims; do not annotate. If reply includes new deposit representing the revised material, EDR will be the date the reply is received.

14) Remitter requests secure-test treatment for computer program containing trades secrets, asking that we examine both the source code and object code printouts and allow the remitter to take with him the source code printout, leaving the object code identifying material as the deposit.

Do not grant such requests. Refer remitter to new deposit regulations for computer program containing trade secrets [37 CFR 202.20(c)(2)(vii)(A)(2)] as well as the continued availability of the general SPECIAL RELIEF option. [37 CFR 202.20(d)]
15) **Computer Programs containing TRADE SECRETS necessitating deposit of less than (or other than) the usual required deposit:**

A. If received on or after May 1, 1989, Special Relief NOT required upon receipt of any one of the following:

1. The first and last 25 pages of source code with some portions blocked out;

2. At least the first and last 10 pages of source code ALONE with NO blocked out portions;

3. The first and last 25 pages of object code plus any 10 or more consecutive pages of source code with NO blocked out portions;

4. For programs of less than 50 pages, the entire source code with some portions blocked out;

5. For revised programs in which the revisions occur THROUGHOUT THE ENTIRE PROGRAM, any of 1 thru 4 above, as appropriate.

6. For revised programs in which the revisions do not occur in the first and last 25 pages:
   a) 20 pages of source code containing the revisions with no blocked out portions, or
   b) Any 50 pages of source code containing the revisions with some portions blocked out.

**NOTE:** Whenever portions of code are blocked out, the following requirements must be met:

- The blocked out portions must be proportionately less than the material remaining (i.e. more than 50% of the source code must remain;)
- The visible portion must represent an appreciable amount of original computer code that is more than de minimis. That is, the visible portions must be original executable code (the code which executes the program's commands), not merely scattered data, generic terms and nonexecuting commands.
PROCEDURE:

1. Requirement that applicant submit cover letter or other statement specifically asserting trade secrecy.

2. If there is no letter WRITE or CALL asking whether computer program contains trade secrets.
   a. Routine cover letters mentioning trade secrets should be discarded.
   b. Special Handling cover letters asserting trade secrecy should be filed in UB. UB must go on CMS before going to closed file.
   c. If assurance made by phone, create phone memo and file with UB. Correspondence box should be checked on the application and UB must go on CMS before going to closed file.

B. If a request for Special Relief is received on or after May 1, 1989, and the deposit is different from the deposits outlined in 15A above, forward to the team Senior Examiner (who will review and, as appropriate, forward to the Section Attorney for Special Relief consideration).

C. If received BEFORE May 1, 1989, Special Relief will be required.

   If the deposit meets the criteria set forth in section 15A above, ENTER under Special Relief with an annotation. If the deposit does not meet the 15A criteria, forward to Section Attorney (via your Senior Examiner) for special relief approval.

16. SPECIAL RELIEF other than for trade secrets.

   A. In the absence of trade secrecy concerns, SPECIAL RELIEF must still be requested to deposit anything LESS THAN or OTHER THAN the required pages of source code.

   NOTE: If there is no letter that can be considered a request for special relief, write or call asking for a WRITTEN special relief request.

   The special relief request must be signed by or on behalf of the person signing the application for registration, and shall set forth specific reasons why the request should be granted. [37 CFR 202.20 (d)]

   NOTE: If a letter is received requesting special relief but the reason is not given, it can be obtained by phone call with a memo to file.
B. All such requests for SPECIAL RELIEF should be forwarded through your Senior Examiner to the Section Attorney for consideration. (CMS should read: "to VG via [SE]."

17) Computer programs containing SCREEN DISPLAYS.

LOG UB directly to your Section Head if

a) Application refers (anywhere) to screens; or

b) Deposit contains screens; or

c) Both of the above.

Exceptions: ENTER without review

1) Third-party manual: user manual (containing screens) submitted alone (i.e., not accompanied by a program) and owned by someone other than the owner of the computer program described in that manual.

Example: A user's manual for WordPerfect owned by John Doe (clearly not affiliated with WordPerfect Corporation).

2) Manual (containing screens) deposited with computer program (no screens in i.d. material) and no reference on application to screens or to reproduction of screens or to illustrations.

Note: Must be same claimant for computer program and manual.

VI. COPYRIGHT NOTICE

1) A copyright notice is not required for works published on or after March 1, 1989, the effective date of U.S. adherence to the Berne Convention.

2) All claims in old-law works published before January 1, 1978, should be forwarded to your Senior Examiner (regardless of the presence or absence of a notice).

3) The following practices apply only to works first published between January 1, 1978, and March 1, 1989, submitted for registration within 5 years of publication. If the claim is received more than 5 years after publication with no notice or with defective notice forward upline on CMS to your Team Leader.
1. Published computer program received; no notice (or defective notice*) appearing on identifying material.

* [Defects include no name, no year date, post-dated by more than 1 year, unreasonable location or affixation on the published copies, and no U.S. government disclaimer when required.]

CLEAR if claim can otherwise be entered.

Rationale: We assume the deposit requirements were known and followed. Thus we interpret the lack of notice in the I.D. material as indication that the work was published without a notice. Only if writing for another reason would we question the absence of the notice.

If correspondence is necessary for other reasons, you may include very brief mention of the missing I.d. material (e.g., "The i.d. material deposited does not include the page bearing the copyright notice. If copies of this work were published with a notice, please deposit appropriate identifying material." and enclose circular 96-201.20. If the reply indicates publication without notice, ENTER without further warning. If reply includes notice page, ADD to deposit and do NOT change EDR to reflect receipt date of notice page.

NOTE: If Special Handling claim has missing or defective notice, WRITE and warn. (See chapter 16 memo of 3-28-86)

2) Multiple year dates in notice. Applicable to unpublished and published computer programs.

WRITE OR CALL for explanation and for likely completion of space 6.

3) Covering letter states that the work was published without notice, and registration is being sought within five years after publication.

ENTER

4) No notice on object code (when only object code deposited).

If sending GL-70, include OPTION A.

Otherwise, ENTER and, merely warn about rule of doubt (GL-70B)
5) Location of notice encoded within object code deposit is highlighted, but content of notice is not provided in readable form.

If sending GL-70, include OPTION A-3.

Otherwise, ENTER and merely warn about rule of doubt (GL-70B).
Appendix D

Circular 61, Copyright Registration for Computer Programs
flen: Integer;
Begin
With Database^Tag_Ptr[Ptr]^, Database^do
Begin
Fillchar(Tag_Line[1],80,' ');
Tag_Line[0]:=chr(80);
If (length(group)>0)and(length(group)<5)then
  Move(Group[1],Tag_Line[2],length(Group));
If (length(Tag_ID)>0)and(length(Tag_ID)<11)then
  Move(Tag_ID[1],Tag_Line[7],length(Tag_ID));
If (length(Tag_Description)>0)and
  (length(Tag_Description)<31)then
  Move(Tag_Description[1],Tag_Line[18],length(Tag_Description));
If Cur_State in [0..16] then
  Begin
    Textcolor(Colors[Cur_State]);
    Move(State[Cur_State], Tag_Line[49],6);
    End;
End;
Copyright Registration for Computer Programs

DEFINITION

A computer program is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

WHAT TO SEND

- A completed application form (typically Form TX);
- A $20.00 nonrefundable filing fee payable to the Register of Copyrights;
- One copy of identifying material (See “Deposit Requirements” below).

Mail all of the above material in the same envelope or package addressed to:

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

EXTENT OF COPYRIGHT PROTECTION

Copyright protection extends to all of the copyrightable expression embodied in the computer program. Copyright protection is not available for ideas, program logic, algorithms, systems, methods, concepts, or layouts.

DESCRIBING BASIS OF CLAIM ON FORM TX

- Space 2. In the “Nature of Authorship” space describe the copyrightable authorship in the computer program for which registration is sought. Acceptable statements include: “computer program,” “entire text of computer program,” “entire program code,” “text of user’s manual and computer program,” etc. (Do not refer to design, physical form, hardware, algorithms; do not describe the program’s features or functions.)
- Space 6. Complete this space only if the computer program contains a substantial amount of previously published, registered, or public domain material (such as subroutines, modules, or textural images). Space 6a may state previous version. Typical descriptions of new material for space 6b include “revised computer program,” “editorial revisions,” “revisions and additional text of computer program,” etc. (Do not refer to debugging, error corrections, new functions of the revised program, or other unregistrable elements.)

DEPOSIT REQUIREMENTS

I. Computer Programs Without Trade Secrets

For published or unpublished computer programs, send one copy of identifying portions of the program (first 25 and last 25 pages of source code), reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform, together with the page or equivalent unit containing the copyright notice, if any.

For a program less than 50 pages in length, send a visually perceptible copy of the entire source code. For a revised version of a program which has been previously published, previously registered, or which is in the public domain, if the revisions occur throughout the entire program, send the page containing the copyright notice, if any, and the first 25 and last 25 pages of source code. If the revisions are not contained in the first and last 25 pages, send any 50 pages representative of the revised material in the new program, together with the page or equivalent unit containing the copyright notice for the revised version, if any.

Where an applicant is unable or unwilling to deposit source code, he/she must state in writing that the work as deposited in object code contains copyrightable authorship. The Office will send a letter stating that registration has been made under its rule of doubt and warning that it has not determined the existence of copyrightable authorship.

If a published user’s manual (or other printed documentation) accompanies the computer program, deposit one copy of the user’s manual along with one copy of the identifying portion of the program.

For HyperCard computer programs created in scripted language, the script is considered the equivalent of source code. Thus the same number of pages of script would be required as is required for source code. Reproductions of on-screen text, buttons, and commands are not an appropriate substitute for this source code deposit. Where a HyperCard program contains trade secrets, deposit script pages meeting the requirements of part II below.

II. Computer Programs Containing Trade Secrets

Where a computer program contains trade secret material, include a cover letter stating that the claim contains trade secrets, along with the page containing the copyright notice, if any, plus one of the following:
A. Entirely new computer programs:
- first and last 25 pages of source code with portions containing trade secrets blocked out; or
- first and last 10 pages of source code alone, with no block-out portions; or
- first and last 25 pages of object code plus any 10 or more consecutive pages of source code, with no blocked-out portions; or
- for programs 50 pages or less in length, entire source code with trade secret portions blocked out.

B. Revised computer programs:
- if the revisions are present in the first and last 25 pages, any one of the 4 options above, as appropriate; or
- if the revisions are not present in the first and the last 25 pages:
  - 20 pages of source code containing the revisions with no blocked-out portions, or
  - any 50 pages of source code containing the revisions with some portions blocked out.

NOTE: Whenever portions of code are blocked out, the following requirements must be met:
1. the blocked out portions must be proportionately less than the material remaining; and
2. the visible portion must represent an appreciable amount of original computer code.

SCREEN DISPLAYS

Copyright protection for computer screen displays has been an issue in the courts during the past few years, and questions were raised about separate registration for screen displays. Although some courts affirmed in several videogame cases that pictorial and graphic screen displays may be separately registered, other courts offered disparate opinions regarding screen displays.

After a public hearing on the subject and thorough review of public comments received about registration for screen displays, the Copyright Office announced its decision in June 1988 to require that all copyrightable expression embodied in a computer program owned by the same claimant, including computer screen displays, be registered on a single application form.

This decision also applies to videogame displays; these claims will be treated the same as other claims that include authorship in a computer program and screen displays. A single registration will be made for the computer program and any related audiovisual authorship owned by the same claimant. Separate registrations will not be made.

The Copyright Office has consistently believed that a single registration is sufficient to protect the copyright in a computer program, including related screen displays, without a separate registration for screen displays or reference to the displays in the application. An application may give a general description in the "nature of authorship" space, such as "entire work" or "computer program." This description will cover any copyrightable authorship contained in the computer program and screen displays, regardless of whether identifying material for the screens is deposited.

Applicants who previously made a single registration for a computer program should be assured that the registration covers all the copyrightable content of the computer program. The Office will not make a new basic registration or a supplementary registration to allow a separate claim in the screen displays. Neither will the Office accept identifying material for the screens contained in any previously registered computer programs.

HOW TO REGISTER COMPUTER PROGRAMS CONTAINING COPYRIGHTABLE SCREEN DISPLAYS

A single registration should be made in the class appropriate to the predominant authorship. Because the computer program is a literary work, literary authorship will predominate in most works, including many in which there are screen graphics. Therefore, registration will usually be appropriate on Form TX. If pictorial or graphic authorship predominates, registration may be made on Form PA as an audiovisual work.

The registration will extend to any related copyrightable screens, regardless of whether identifying material for the screens is deposited. However, where identifying material for screen displays is deposited, it will be examined for copyrightability. Where the application refers specifically to screen displays, identifying material for the screens must be deposited. Where the screens are essentially not copyrightable (e.g., de minimis menu screens, blank forms, or the like), the application should not refer to screens and the deposited identifying material should not include screens.
To register a computer program and its related screen displays:

- select the application form appropriate for the predominant authorship;
- refer to the chart below to complete space 2 of the application and to determine whether to file identifying material for the screen displays.

### How to Complete the Application

<table>
<thead>
<tr>
<th>HOW TO COMPLETE THE APPLICATION</th>
<th>WHAT TO DEPOSIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Space 2 (Nature of Authorship)</td>
<td>ID Material</td>
</tr>
<tr>
<td>(In addition to Requested Source Code)</td>
<td></td>
</tr>
</tbody>
</table>

#### Option 1
- "Entire work" or "Entire computer program"
- You may choose either to deposit ID material for screens or you may choose not to deposit ID material for screens.

#### Option 2
- "Entire computer program including text of screen displays" or
- "Entire computer program including audiovisual material" or
- "Entire computer program including artwork on screen displays"
- You must deposit ID material for screens

Note: The description of authorship on the application should not refer to elements such as "menu screens," "structure, sequence and organization," "layout," "format" or the like.

### Notice of Copyright

For works first published on and after March 1, 1989, use of the copyright notice is optional, though highly recommended. Before March 1, 1989, the use of the notice was mandatory on all published works, and any work first published before that date must bear a notice or risk loss of copyright protection.

Use of the notice is recommended because it informs the public that the work is protected by copyright, identifies the copyright owner, and shows the year of first publication. Furthermore, in the event that a work is infringed, if the work carries a proper notice, the court will not allow a defendant to claim "innocent infringement"—that is, that he or she did not realize that the work is protected. (A successful innocent infringement claim may result in a reduction in damages that the copyright owner would otherwise receive.)

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 Copyright Notice

#### FOR COPIES OTHER THAN PHONORECORDS

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 of derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient.
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: © 1991 John Doe

### Location of Copyright Notice

For works reproduced in machine-readable copies (such as magnetic tapes or disks, punched cards, or the like), from which the work cannot ordinarily be visually perceived except with the aid of a machine or device, the following constitute examples of acceptable methods of affixation and position of notice:

1. A notice embodied in the copies in machine-readable form in such a manner that on visually perceptible printouts it appears either with or near the title, or at the end of the work; or
2. A notice that is displayed at the user's terminal at sign-on; or
3. A notice that is continuously on terminal display; or

*Works published in a form requiring the use of a machine or device for purposes of optical enlargement, such as film, filmstrips, slides, VHS videotape, or similar devices, are not within this category.*
(4) A legible notice reproduced durably, so as to withstand normal use, on a gummed or other label securely affixed to the copies or to a box, reel, cartridge, cassette, or other container used as a permanent receptacle for the copies.

FURTHER QUESTIONS:

If you have general information questions and wish to talk to an Information Specialist, call (202) 478-0700.

TO ORDER FORMS:


A copyright registration is effective on the date the Copyright Office receives all of the required elements in acceptable form, regardless of how long it then takes to process the application and mail the certificate of registration. The time the Copyright Office requires to process an application varies, depending on the amount of material the Office is receiving and the personnel available. It must also be kept in mind that it may take several days for mailed material to reach the Copyright Office and for the certificate of registration to reach the recipient.

If you apply for copyright registration, you will not receive an acknowledgement that your application has been received (the Office receives more than 600,000 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 120 days have passed.

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

Examining Division Computer Program Practices
Deposit of Published Copies or Phonorecords for the Library of Congress;
Deposit of Copies and Phonorecords for Copyright Registration;
Deposit of Identifying Material Instead of Copies

Final Regulations. Part 202 of 37 C.F.R. Chapter II is amended by revising §§202.19, 202.20, and 202.21 to read as follows:

§202.19 Deposit of Published Copies or Phonorecords for the Library of Congress.

(a) GENERAL.

This section prescribes rules pertaining to the deposit of copies and phonorecords of published works for the Library of Congress under section 407 of title 17 of the United States Code, as amended by Pub. L. 94-553. The provisions of this section are not applicable to the deposit of copies and phonorecords for purposes of copyright registration under section 408 of title 17, except as expressly adopted in §202.20 of these regulations.

(b) DEFINITIONS.

For the purposes of this section:

(i) The "best edition" of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.

(ii) Criteria for selection of the "best edition" from among two or more published editions of the same version of the same work are set forth in the statement entitled "Best Edition of Published Copyrighted Works for the Collections of the Library of Congress" (hereafter referred to as the "Best Edition Statement") in effect at the time of deposit. Copies of the Best Edition Statement are available upon request made to the Deposits and Acquisitions Division of the Copyright Office.

(iii) Where no specific criteria for the selection of the "best edition" are established in the Best Edition Statement, that edition which, in the judgment of the Library of Congress, represents the highest quality for its purposes shall be considered the "best edition." In such cases:

(A) When the Copyright Office is aware that two or more editions of a work have been published it will consult with other appropriate officials of the Library of Congress to obtain instructions as to the "best edition" and (except in cases for which special relief is granted) will require deposit of that edition; and

(B) When a potential depositor is uncertain which of two or more published editions comprises the "best edition," inquiry should be made to the Deposits and Acquisitions Division of the Copyright Office.

(iv) Where differences between two or more "editions" of a work represent variations in copyrightable content, each edition is considered a separate version, and hence a different work for the purpose of this section, and criteria of "best edition" based on such differences do not apply.

(2) A "complete" copy includes all elements comprising the unit of publication of the best edition of the work, including elements that, if considered separately, would not be copyrightable subject matter or would otherwise be exempt from mandatory deposit requirements under paragraph (c) of this section. In the case of sound recordings, a "complete" phonorecord includes the phonorecord, together with any printed or other visually perceptible material published with such phonorecord (such as textual or pictorial matter appearing on record sleeves or album covers, or embodied in leaflets or booklets included in a sleeve, album, or other container). In the case of a musical composition published in copies only, or in both copies and phonorecords:

(i) If the only publication of copies in the United States took place by the rental, lease, or lending of a full score and parts, a full score is a "complete" copy; and

*These final regulations with supplementary information were published in the Federal Register (37 Fed. Reg. 7405) on February 23, 1972 as amended at 37 FR 7000, August 9, 1972, 34 FR 13770, March 11, 1972, and 35 FR 11250, May 19, 1972. They are codified at 37 C.F.R. §§202.19, 202.20, and 202.21 (1980). On September 18, 1978, these final regulations were first published with supplementary information in the Federal Register (43 Fed. Reg. 39575) implementing the deposit requirements of sections 407 and 408 of title 17 U.S.C., and published by the Copyright Office as Announcement 80-212. These regulations combine amendments to the earlier regulations. These regulations were originally published by the Copyright Office in Announcements 78-41, 80-1, 399, and 400.
(ii) If the only publication of copies in the United States took place by the rental, lease, or lending of a conductor's score and parts, a conductor's score is a "complete" copy. In the case of a motion picture, a copy is "complete" if the reproduction of all of the visual and aural elements comprising the copyrightable subject matter in the work is clean, undamaged, undeteriorated, and free of splices, and if the copy itself and its physical housing are free of any defects that would interfere with the performance of the work or that would cause mechanical, visual, or audible defects or distortions.

(3) The terms "copies," "collective work," "device," "fixed," "literary work," "machine," "motion picture," "phonorecord," "publication," "sound recording," and "useful article," and their variant forms, have the meanings given to them in section 101 of title 17.

(4) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94-553.

(c) EXEMPTIONS FROM DEPOSIT REQUIREMENTS.

The following categories of material are exempt from the deposit requirements of section 407(a) of title 17:

(1) Diagrams and models illustrating scientific or technical works or formulating scientific or technical information in linear or three-dimensional form, such as an architectural or engineering blueprint, plan, or design, a mechanical drawing, or an anatomical model.

(2) Greeting cards, picture postcards, and stationery.

(3) Lectures, sermons, speeches, and addresses when published individually and not as a collection of the works of one or more authors.

(4) Literary, dramatic, and musical works published only as embodied in phonorecords. This category does not exempt the owner of copyright, or of the exclusive right of publication, in a sound recording resulting from the fixation of such works in a phonorecord from the applicable deposit requirements for the sound recording.

(5) Literary works, including computer programs and automated databases, published in the United States only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, or the like) from which the work cannot ordinarily be visually perceived except with the aid of a machine or device. Works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films, and works published in any variety of microform) are not within this category and are subject to the applicable deposit requirements.

(6) Three-dimensional sculptural works, and any works published only as reproduced in or on jewelry, dolls, toys, games, plaques, floor coverings, wallpaper and similar commercial wall coverings, textiles and other fabrics, packaging material, or any useful article. Globes, relief models, and similar cartographic representations of area are not within this category and are subject to the applicable deposit requirements.

(7) Prints, labels, and other advertising matter, including catalogs, published in connection with the rental, lease, lending, licensing, or sale of articles of merchandise, works of authorship, or services.

(8) Tests, and answer material for tests when published separately from other literary works.

(9) Works first published as individual contributions to collective works. This category does not exempt the owner of copyright, or of the exclusive right of publication, in the collective work as a whole, from the applicable deposit requirements for the collective work.

(10) Works first published outside the United States and later published in the United States without change in copyrightable content, if:

(i) Registration for the work was made under 17 U.S.C. 408 before the work was published in the United States; or

(ii) Registration for the work was made under 17 U.S.C. 408 after the work was published in the United States but before a demand for deposit is made under 17 U.S.C. 407(d).

(11) Works published only as embodied in a soundtrack that is an integral part of a motion picture. This category does not exempt the owner of copyright, or of the exclusive right of publication, in the motion picture, from the applicable deposit requirements for the motion picture.

(12) Motion pictures that consist of television transmission programs and that have been published, if at all, only by reason of a license or other grant to a nonprofit institution of the right to make a fixation of such programs directly from a transmission to the public, with or without the right to make further uses of such fixations.

(d) NATURE OF REQUIRED DEPOSIT.

(1) Subject to the provisions of paragraph (d)(2) of this section, the deposit required to satisfy the provisions of section 407(a) of title 17 shall consist of:

(i) In the case of published works other than sound recordings, two complete copies of the best edition; and

(ii) In the case of published sound recordings, two complete phonorecords of the best edition.

(2) In the case of certain published works not exempt from deposit requirements under paragraph (c) of this section, the following special provisions shall apply:

(i) In the case of published three-dimensional cartographic representations of area, such as globes and relief models, the deposit of one complete copy of the best edition of the work will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(ii) In the case of published motion pictures, the deposit of one complete copy of the best edition of the work will suffice in lieu of the two copies required by paragraph (d)(1) of this section. Any deposit of a published motion picture must be accompanied by a separate description of its contents, such as a continuity, prebook, or synopsis. The Library of Congress may, at its sole discretion, enter into an agreement permitting the return of copies of published motion pictures to the depositor under certain conditions.
and establishing certain rights and obligations of the Library with respect to such copies. In the event of termination of such an agreement by the Library it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement.

(iii) In the case of any published work deposited in the form of a hologram, the deposit shall be accompanied by:
(A) Two sets of precise instructions for displaying the image fixed in the hologram; and (B) two sets of identifying material in compliance with §202.21 of these regulations and clearly showing the displayed image.

(iv) In any case where an individual author is the owner of copyright in a published pictorial or graphic work and (A) less than five copies of the work have been published, or (B) the work has been published and sold or offered for sale in a limited edition consisting of no more than three hundred numbered copies, the deposit of one complete copy of the best edition of the work or, alternatively, the deposit of photographs or other identifying material in compliance with §202.21 of these regulations, will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(v) In the case of a musical composition published in copies only, or in both copies and phonorecords, if the only publication of copies in the United States took place by rental, lease, or lending, the deposit of one complete copy of the best edition will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(vi) In the case of published multimedia kits, that include literary works, audiovisual works, sound recordings, or any combination of such works, the deposit of one complete copy of the best edition will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(e) SPECIAL RELIEF.

(1) In the case of any published work not exempt from deposit under paragraph (c) of this section, the Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress and upon such conditions as the Register may determine after such consultation:

(i) Grant an exemption from the deposit requirements of section 407(a) of title 17 on an individual basis for single works or series or groups of works; or

(ii) Permit the deposit of one copy or phonorecord, or alternative identifying material, in lieu of the two copies or phonorecords required by paragraph (d)(1) of this section; or

(iii) Permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition; or

(iv) Permit the deposit of identifying material which does not comply with §202.21 of these regulations.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force.

(3) Requests for special relief under this paragraph shall be made in writing to the Chief, Depository and Acquisitions Division of the Copyright Office, shall be signed by or on behalf of the owner of copyright or of the exclusive right of publication in the work, and shall set forth specific reasons why the request should be granted.

(4) The Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress, terminate any ongoing or continuous grant of special relief. Notice of termination shall be given in writing and shall be sent to the individual person or organization to whom the grant of special relief had been given, at the last address shown in the records of the Copyright Office. A notice of termination may be given at any time, but it shall state a specific date of termination that is at least 30 days later than the date the notice is mailed. Termination shall not affect the validity of any deposit made earlier under the grant of special relief.

(f) SUBMISSION AND RECEIPT OF COPIES AND PHONORECORDS.

(1) All copies and phonorecords deposited in the Copyright Office will be considered to be deposited only in compliance with section 407 of title 17 unless they are accompanied by an application for registration of a claim to copyright in the work represented by the deposit, and either a registration fee or a deposit account number on the application. Copies or phonorecords deposited without such an accompanying application and either a fee or a deposit account notation will not be connected with or held for receipt of separate applications, and will not satisfy the deposit provisions of section 408 of title 17 or §202.20 of these regulations.

(2) All copies and phonorecords deposited in the Copyright Office under section 407 of title 17, unless accompanied by written instructions to the contrary, will be considered to be deposited by the person or persons named in the copyright notice on the work.

(3) Upon request by the depositor made at the time of the deposit, the Copyright Office will issue a certificate of receipt for the deposit of copies or phonorecords of a work under this section. Certificates of receipt will be issued in response to requests made after the date of deposit only if the requesting party is identified in the records of the Copyright Office as having made the deposit. In either case, requests for a certificate of receipt must be in writing and accompanied by a fee of $2. A certificate of receipt will include identification of the depositor, the work deposited, and the nature and format of the copy or phonorecord deposited, together with the date of receipt.

[34 FR 6493, Feb. 24, 1969]
§202.20 Deposit of Copies and Phonorecords for Copyright Registration.

(a) GENERAL.

This section prescribes rules pertaining to the deposit of copies and phonorecords of published and unpublished works for the purpose of copyright registration under section 408 of title 17 of the United States Code, as amended by Pub. L. 94-553. The provisions of this section are not applicable to the deposit of copies and phonorecords for the Library of Congress under section 407 of title 17, except as expressly adopted in §202.19 of these regulations.

(b) DEFINITIONS.

For the purposes of this section:

(i) In the case of unpublished works, subject to the requirements of paragraphs (b)(2)(ii) through (vi) of this section, a “complete” copy or phonorecord of an unpublished work includes all elements comprising the applicable unit of publication of the work, including elements that, if considered separately, would not be copyrightable subject matter. However, even where certain physically separable elements included in the applicable unit of publication are missing from the deposit, a copy or phonorecord will be considered “complete” for purposes of registration where:

(A) The copy or phonorecord deposited contains all parts of the work for which copyright registration is sought; and

(B) The removal of the missing elements did not physically damage the copy or phonorecord or garble its contents; and

(C) The work is exempt from the mandatory deposit requirements under section 407 of title 17 of the United States Code and §202.19c of these regulations, or the copy deposited consists entirely of a container, wrapper, or holder, such as an envelope, sleeve, jacket, slipcase, box, bag, folder, binder, or other receptacle acceptable for deposit under paragraph (c)(2) of this section;

(ii) Contributions to works. In the case of a published contribution to a collective work, a “complete” copy or phonorecord of the entire collective work including the contribution or, in the case of a newspaper, the entire section including the contribution;

(iii) Sound recordings. In the case of published sound recordings, a “complete” phonorecord has the meaning set forth in §202.19b(2) of these regulations;

(iv) Musical scores. In the case of a musical composition published in copies only, or in both copies and phonorecords:

(A) If the only publication of copies took place by the rental, lease, or lending of a full score and parts, a full score is a “complete” copy; and

(B) If the only publication of copies took place by the rental, lease, or lending of a conductor’s score and parts, a conductor’s score is a “complete” copy;

(v) Motion pictures. In the case of a published or unpublished motion picture, a copy is “complete” if the reproduction of all of the visual and aural elements comprising the copyrightable subject matter in the work is clean, undamaged, undeteriorated, and free of splices, and if the copy itself and its physical housing are free of any defects that would interfere with the performance of the work or that would cause mechanical, visual, or audible defects or distortions.

(2) The removal of the missing elements did not physically damage the copy or phonorecord or garble its contents; and

(3) The terms “copy,” “collective work,” “fixed,” “literary work,” “machine,” “motion picture,” “phonorecord,” “publication,” “sound recording,” “transmission program,” and “useful article,” and their variant forms, have the meanings given to them in section 101 of title 17.

(4) A “secure test” is a nonmarketed test administered under supervision at specified centers on specific dates, all copies of which are accounted for and either destroyed or returned to restricted locked storage following each administration. For these purposes a test is not marketed if copies are not sold but it is distributed and used in such a manner that ownership and control of copies remain with the test sponsor or publisher.


(6) For the purposes of determining the applicable deposit requirements under this §202.20 only, the following shall be considered as unpublished motion pictures: motion pictures that consist of television transmission programs and that have been published, if at all, only by reason of a license or other grant to a nonprofit institution of the right to make a fixation of such programs directly from a transmission to the public, with or without the right to make further uses of such fixations.

(c) NATURE OF REQUIRED DEPOSIT.

(1) Subject to the provisions of paragraph (c)(2) of this section, the deposit required to accompany an application for registration of claim to copyright under section 408 of title 17 shall consist of:

(A) In the case of unpublished works, one complete copy or phonorecord;

(B) In the case of works first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.

(ii) In the case of works first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.

(iii) In the case of works first published outside of the United States, whenever published, one complete copy or
The text is a continuation of the copyright registration regulations. It discusses the requirements for depositing works, particularly focusing on phonorecords, three-dimensional cartographic representations, choreographic works, pantomimes, literary, dramatic, and musical works, and published works in the form of a three-dimensional hologram. The regulations specify the number of copies or phonorecords required for registration, the circumstances under which one copy or phonorecord may suffice, and the obligations of the Library of Congress to make these works available to the public.

For example, if a choreographic work, pantomime, dramatic, or musical work is published, one copy or phonorecord may be submitted in lieu of two copies or phonorecords. This applies to both published and unpublished works, and the regulations aim to balance the need for protection of the copyright holder with the public's right to access these works.

The document also highlights the importance of depositing works for the public domain, ensuring that the Library of Congress has access to these works to preserve them for future generations. The regulations are designed to be flexible while ensuring that the copyright holder's rights are protected.
from a three-dimensional object, identifying material complying with §202.21 of these regulations must be submitted rather than an actual copy or copies except under the conditions of paragraph (c)(2)(xi)(B)(4) of this section.

(vi) Tests. In the case of tests, and answer material for tests, published separately from other literary works, the deposit of one complete copy will suffice in lieu of two copies. In the case of any secure test, the Copyright Office will return the deposit to the applicant promptly after examination. Provided, That sufficient portions, description, or the like are retained so as to constitute a sufficient archival record of the deposit.

(vii) Computer programs and databases embodied in machine-readable copies. In cases where a computer program, database, compilation, statistical compendium or the like, if unpublished is fixed, or if published is published only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, semiconductor chip products, or the like) from which the work cannot ordinarily be perceived except with the aid of a machine or device, the deposit shall consist of:

(A) For published or unpublished computer programs, one copy of identifying portions of the program, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform. For these purposes "identifying portions" shall mean one of the following:

(1) The first and last 25 pages or equivalent units of the source code if reproduced on paper, or at least the first and last 25 pages or equivalent units of the source code if reproduced in microform, together with the page or equivalent unit containing the copyright notice, if any. If the program is 50 pages or less, the required deposit will be the entire source code. In the case of revised versions of computer programs, if the revisions occur throughout the entire program, the deposit of the page containing the copyright notice and the first and last 25 pages of source code will suffice; if the revisions do not occur in the first and last 25 pages, the deposit should consist of the page containing the copyright notice and any 50 pages of source code representative of the revised material;

(2) Where the program contains trade secret material, the page or equivalent unit containing the copyright notice, if any, plus one of the following: the first and last 25 pages or equivalent units of source code with portions of the source code containing trade secrets blocked-out, provided that the blocked-out portions are proportionately less than the material remaining, and the deposit reveals an appreciable amount of original computer code; or the first and last 10 pages or equivalent units of source code alone with no blocked-out portions or the first and last 25 pages of object code, together with any 10 or more consecutive pages of source code with no blocked-out portions; or for programs consisting of or less than 25 pages or equivalent units, source code with the trade secret portions blocked-out, provided that the blocked-out portions are proportionately less than the material remaining, and the remaining portion reveals an appreciable amount of original computer code. If the copyright claim is in a revision not contained in the first and last 25 pages, the deposit shall consist of either 20 pages of source code representative of the revised material with no blocked-out portions, or any 50 pages of source code representative of the revised material with portions of the source code containing trade secrets blocked-out, provided that the blocked-out portions are proportionately less than the material remaining and the deposit reveals an appreciable amount of original computer code. Whatever method is used to block out trade secret material, at least an appreciable amount of original computer code must remain visible.

(B) Where registration of a program containing trade secrets is made on the basis of an object code deposit the Copyright Office will make registration under its rule of doubt and warn that no determination has been made concerning the existence of copyrightable authorship.

(C) Where the application to claim copyright is in a computer program includes a specific claim in revised computer screen displays, the deposit, in addition to the identifying portions specified in paragraph (c)(2)(vii)(A) of this section, shall consist of:

(1) Visual reproductions of the copyrightable expression in the form of printouts, photographs, or drawings no smaller than 3x3 inches and no larger than 9x12 inches; or

(2) If the application is predominantly audiovisual, a one-half inch VHS format videotape reproducing the copyrightable expression, except that printouts, photographs, or drawings no smaller than 3x3 inches and no larger than 9x12 inches must be deposited in lieu of videotape where the computer screen material simply constitutes a demonstration of the functioning of the computer program.

(D) For published and unpublished automated databases, compilations, statistical compendiums, and the like, so fixed or published, one copy of identifying portions of the work, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform. For these purposes:

(1) "Identifying portions" shall generally mean either the first and last 25 or equivalent units of the work if reproduced on paper or in microform;

(2) "Data file" and "file" mean a group of data records pertaining to a common subject matter regardless of their size or the number of data items in them.

(3) In the case of individual registration of a revised version of the works identified in this paragraph (c)(2)(vii)(D), the identifying portions deposited shall contain 50 representative pages or data records which have been added or modified.

(4) If the work is an automated database comprising multiple separate or distinct data files, "identifying portions" shall consist of 50 complete data records from each data file or the entire data file, whichever is less, and the descriptive statement required by paragraph (c)(2)(vii)(D)(5).

(5) In the case of group registration for revised or updated versions of a database, the claimant shall deposit identifying portions that contain 50 representative pages or equivalent units, or representative data records which have been marked to disclose (or do in fact disclose solely) the new material added on one representative publication date if published, or on one representative creation date, if unpublished, and shall also deposit a brief typed or printed descriptive statement containing the notice of copyright information required under "(6)" or "(7)" immediately
below, if the work bears a notice and:

(i) The title of the database;

(ii) A statement, date of creation or publication, or other information, to distinguish any separate or distinct data files for cataloging purposes;

(iii) The name and address of the copyright claimant;

(iv) For each separate file, its name and content, including its subject, the origin(s) of the data, and the approximate number of data records it contains; and

(v) In the case of a updated or revised version of an automated database, information as to the nature and frequency of changes in the database and some identification of the location within the database or the separate data files of the revisions.

(6) For a copyright notice embodied in machine-readable form, the statement shall describe exactly the visually perceptible content of the notice which appears in or with the database, and the manner and frequency with which it is displayed (e.g., at a user's terminal only at sign-on, or continuously on terminal display, or on printouts, etc.).

(7) If a visually perceptible copyright notice is placed on any copies of the work (or on magnetic tape reels or containers thereof), a sample of such notice must also accompany the program.

(viii) Machine-readable copies of works other than computer programs and databases. Where a literary, musical, pictorial, graphic, or audiovisual work, or a sound recording, except for literary works which are computer programs, databases, compilations, statistical compendia or the like, if unpublished has been fixed or, if published, has been published only in machine-readable form, the deposit must consist of identifying material. The type of identifying material submitted should generally be appropriate to the type of work embodied in machine-readable form, but in all cases should be that which best represents the copyrightable content of the work. In all cases the identifying material must include the title of the work. A synopsis may also be requested in addition to the other deposit materials as appropriate in the discretion of the Copyright Office. In the case of any published work subject to this section, the identifying material must include a representation of the copyright notice, if one exists. Identifying material requirements for certain types of works are specified below. In the case of the types of works listed below, the requirements specified shall apply except that, in any case where the deposit requirements are not appropriate for a given work the form of the identifying material required will be determined by the Copyright Office in consultation with the applicant, but the Copyright Office will make the final determination of the acceptability of the identifying material.

(A) For pictorial or graphic works, the deposit shall consist of identifying material in compliance with §202.21 of these regulations;

(B) For audiovisual works, the deposit shall consist of either a videotape of the work depicting representative portions of the copyrightable content, or a series of photographs or drawings, depicting representative portions of the work, plus in all cases a separate synopsis of the work;

(C) For musical compositions, the deposit shall consist of a transcription of the entire work such as a score, or a reproduction of the entire work on an audiocassette or other phonorecord;

(D) For sound recordings, the deposit shall consist of a reproduction of the entire work on an audiocassette or other phonorecord;

(E) For literary works, the deposit shall consist of a transcription of representative portions of the work including the first and last 25 pages or equivalent units, and five or more pages indicative of the remainder.

(ix) Copies containing both visually-perceptible and machine-readable material. Where a published literary work is embodied in or on sheetlike materials, the deposit shall consist of the visually-perceptible material and identifying portions of the machine-readable material.

(x) Works reproduced in or on sheetlike materials. In the case of any unpublished work that is fixed, or any published work that is published, only in the form of a two-dimensional reproduction on sheetlike materials such as textiles and other fabrics, wallpaper and similar commercial wall coverings, carpeting, floor tile, and similar commercial floor coverings, and wrapping paper and similar packaging material, the deposit shall consist of one copy in the form of an actual swatch or piece of such material sufficient to show all elements of the work in which copyright is claimed and the copyright notice appearing on the work, if any. If the work consists of a repeated pictorial or graphic design, the complete design and at least part of one repetition must be shown. If the sheetlike material in or on which a published work has been reproduced has been embodied in or attached to a three-dimensional object, such as furniture, or any other three-dimensional manufactured article, and the work has been published only in that form, the deposit must consist of identifying material complying with §202.21 of these regulations instead of a copy. If the sheetlike material in or on which a published work has been reproduced has been embodied in or attached to a two-dimensional object such as wearing apparel, bed linen, or a similar item, and the work has been published only in that form, the deposit must consist of identifying material complying with §202.21 of these regulations instead of a copy. If the work is reproduced in or on sheetlike materials, the deposit shall consist of identifying material complying with §202.21 of these regulations instead of a copy unless the copy can be folded for storage in a form that does not exceed four inches in thickness.

(xi) Works reproduced in or on three-dimensional objects. (A) In the following cases the deposit must consist of identifying material complying with §202.21 of these regulations instead of a copy or copies:

(1) Any three-dimensional sculptural work, including any illustration or formulation of artistic expression or information in three-dimensional form. Examples of such works include statues, carvings, ceramics, moldings, constructions, models, and maquettes; and

(2) Any two-dimensional or three-dimensional work that, if unpublished, has been fixed or, if published, has been published only in or on jewelry, dolls, toys, games, except as provided in paragraph (c)(2)(xi)(B)(4) of this section; below, or any three-dimensional useful article.

(B) In the following cases the requirements of paragraph (c)(2)(xi)(A) of this section for the deposit of identi-
fying material shall not apply:

(1) Three-dimensional cartographic representations of area, such as globes and relief models;

(2) Works that have been fixed or published in or on a useful article that comprises one of the elements of the unit of publication of an educational or instructional kit which also includes a literary or audiovisual work, a sound recording, or any combination of such works;

(3) Published games consisting of multiple parts that are packaged and published in a box or similar container with flat sides and with dimensions of no more than 2526x6 inches;

(4) Works reproduced on three-dimensional containers or holders such as boxes, cases, and cartons, where the container or holder can be readily opened out, unfolded, slit at the corners, or in some other way made adaptable for flat storage, and the copy, when flattened, does not exceed 96 inches in any dimension; or

(5) Any three-dimensional sculptural work that, if unpublished, has been fixed, or, if published, has been published only in the form of jewelry cast in base metal which does not exceed four inches in any dimension.

(xii) Soundtracks. For separate registration of an unpublished work that is fixed, or a published work that is published, only as embodied in a soundtrack that is an integral part of a motion picture, the deposit of identifying material in compliance with §202.21 of these regulations will suffice in lieu of an actual copy of the motion picture.

(xiii) Oversize deposits. In any case where the deposit otherwise required by this section exceeds 96 inches in any dimension, identifying material complying with §202.21 of these regulations must be submitted instead of an actual copy or copies.

(xiv) Pictorial advertising material. In the case of published pictorial advertising material, except for advertising material published with motion pictures, the deposit of either one copy as published or prepublication material consisting of camera-ready copy is acceptable.

(xv) Contributions to collective works. In the case of published contributions to collective works, the deposit of either one complete copy of the best edition of the entire collective work, the complete section containing the contribution if published in a newspaper, the entire page containing the contribution, the contribution cut from the paper in which it appeared, or a photocopy of the contribution itself as it was published in the collective work, will suffice in lieu of two complete copies of the entire collective work.

(xvi) Phonorecords. In any case where the deposit phonorecord or phonorecords submitted for registration of a claim to copyright is inaudible on audio playback devices in the Examining Division of the Copyright Office, the Office will seek an appropriate deposit in accordance with paragraph (d) of this section.

(d) SPECIAL RELIEF.

(1) In any case the Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress and upon such conditions as the Register may determine after such consultation:

(i) Permit the deposit of one copy or phonorecord, or alternative identifying material, in lieu of the one or two copies or phonorecords otherwise required by paragraph (c)(1) of this section;

(ii) Permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition; or

(iii) Permit the deposit of an actual copy or copies, in lieu of the identifying material otherwise required by this section; or

(iv) Permit the deposit of identifying material which does not comply with §202.21 of these regulations.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force and the archival and examining requirements of the Copyright Office.

(3) Requests for special relief under this paragraph may be combined with requests for special relief under §202.19(e) of these regulations. Whether so combined or made solely under this paragraph, such requests shall be made in writing to the Chief, Examining Division of the Copyright Office, shall be signed by or on behalf of the person signing the application for registration, and shall set forth specific reasons why the request should be granted.

(4) The Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress, terminate any ongoing or continuous grant of special relief. Notice of termination shall be given in writing and shall be sent to the individual person or organization to whom the grant of special relief had been given, at the last address shown in the records of the Copyright Office. A notice of termination may be given at any time, but it shall state a specific date of termination that is at least 30 days later than the date the notice is mailed. Termination shall not affect the validity of any deposit or registration made earlier under the grant of special relief.

(e) USE OF COPIES AND PHONORECORDS DEPOSITED FOR THE LIBRARY OF CONGRESS.

Copies and phonorecords deposited for the Library of Congress under section 407 of title 17 and §202.19 of these regulations may be used to satisfy the deposit provisions of this section if they are accompanied by an application for registration of claim to copyright in the work represented by the deposit, and either a registration fee or a deposit account number on the application.

$202.21 Deposit of Identifying Material Instead of Copies.

(a) GENERAL.

Subject to the specific provisions of paragraphs (f) and (g) of this section, and to §202.19(c)(1)(iv) and 202.20(d)(1)(iv), in any case where the deposit of identifying material is permitted or required under §202.19 or §202.20, these regulations for published or unpublished works, the material shall consist of photographic prints, transparencies, photostats, drawings, or similar two-dimensional reproductions or renderings of the work, in a form visually perceivable without the aid of a machine or device. In the case of pictorial or graphic works, such material should reproduce the actual colors employed in the work. In all other cases, such material may be in black and white or may consist of a reproduction of the actual colors.

(b) COMPLETENESS; NUMBER OF SETS.

As many pieces of identifying material as are necessary to show the entire copyrightable content in the ordinary case, but in no case less than an adequate representation of such content, of the work for which deposit is being made, or for which registration is being sought shall be submitted. Except in cases falling under the provisions of §202.19(d)(2)(i) or §202.20(c)(2)(i) with respect to holograms, only one set of such complete identifying material is required.

(c) SIZE.

Photographic transparencies must be at least 35mm in size and, if such transparencies are 3x3 inches or less, must be fixed in cardboard, plastic, or similar mounts to facilitate identification, handling, and storage. The Copyright Office prefers that transparencies larger than 3x3 inches be mounted in a way that facilitates their handling and preservation, and reserves the right to require such mounting in particular cases. All types of identifying material other than photographic transparencies must be not less than 3x3 inches and not more than 9x12 inches, but preferably 8x10 inches. Except in the case of transparencies, the image of the work must be either lifesize or larger, or if less than lifesize must be large enough to show clearly the entire copyrightable content of the work.

(d) TITLE AND DIMENSIONS.

At least one piece of identifying material must, on its front, back, or mount, indicate the title of the work; and the indication of an exact measurement of one or more dimensions of the work is preferred.

(e) COPYRIGHT NOTICE.

In the case of works published with notice of copyright, the notice and its position on the work must be clearly shown on at least one piece of identifying material. Where necessary because of the size or position of the notice, a separate drawing or similar reproduction shall be submitted. Such reproduction shall be no smaller than 3x3 inches and no larger than 9x12 inches, and shall show the exact appearance and content of the notice, and its specific position on the work.

(f) For separate registration of an unpublished work that is fixed, or a published work that is published, only as embodied in a soundtrack that is an integral part of a motion picture, identifying material deposited in lieu of an actual copy of the motion picture shall consist of:

(1) A transcription of the entire work, or a reproduction of the entire work on a phonorecord; and

(2) Photographs or other reproductions from the motion picture showing the title of the motion picture, the soundtrack credits, and the copyright notice for the soundtrack, if any. The provisions of paragraphs (b), (c), (d), and (e) of this section do not apply to identifying material deposited under this paragraph (f).

(g) In the case of unpublished motion pictures (including transmission programs that have been fixed and transmitted to the public, but have not been published), identifying material deposited in lieu of an actual copy shall consist of either:

(1) An audio cassette or other phonorecord reproducing the entire soundtrack or other sound portion of the motion picture, and description of the motion picture; or

(ii) A set consisting of one frame enlargement or similar visual reproduction from each 10-minute segment of the motion picture, and a description of the motion picture.

(2) In either case the "description" may be a continuity, a pressbook, or a synopsis but in all cases it must include:

(i) The title or continuing title of the work, and the episode title, if any;

(ii) The nature and general content of the program;

(iii) The date when the work was first fixed and whether or not fixation was simultaneous with first transmission;

(iv) The date of first transmission, if any;

(v) The running time; and

(vi) The credits appearing on the work, if any.

(3) The provisions of paragraphs (b), (c), (d), and (e) of this section do not apply to identifying material submitted under this paragraph (g).

(h) In the case where the deposit copy or copies of a motion picture cannot be viewed for examining purposes on equipment in the Examining Division of the Copyright Office, the "description" required by §202.20(c)(2)(i) of these regulations may be a continuity, a pressbook, a synopsis, or a final shooting script but in all cases must be sufficient to
indicate the copyrightable material in the work and include:
(1) The continuing title of the work and the episode title, if any;
(2) The nature and general content of the program and of its dialogue or narration, if any;
(3) The running time; and
(4) All credits appearing on the work including the copyright notice, if any. The provisions of paragraphs (b), (c), and (d) of this section do not apply to identifying material submitted under this paragraph (h).
Appendix F

ML-433, Final Rules: Registration of Claims to Copyright
Deposit of CD-ROM Format
ANNOUNCEMENT
from the Copyright Office, Library of Congress, Washington, D.C. 20559

FINAL RULES
REGISTRATION OF CLAIMS TO COPYRIGHT DEPOSIT OF CD-ROM FORMAT

The following excerpt is taken from Volume 56, Number 185 of the Federal Register for Thursday, September 19, 1991 (p. 470402)

LIBRARY OF CONGRESS
Copyright Office
37 CFR Part 202
(Docket No. 91-8)
Registration of Claims to Copyright: Deposit of CD-ROM Format
AGENCY: Library of Congress, Copyright Office.
ACTION: Final rules.

SUMMARY: The Copyright Office of the Library of Congress is amending its regulations governing the deposit for copyright registration of works fixed in a CD-ROM format, pursuant to section 408 of the Copyright Act. The proposed amendments require the deposit of the best edition CD-ROM package of any work, including the accompanying operating software, instruction manual, and a printed version, if available.


FOR FURTHER INFORMATION CONTACT: Dorothy Schroeder, (202) 707-4280.

SUPPLEMENTARY INFORMATION: Under section 408 of the Copyright Act of 1976, title 17 of the United States Code, the Register of Copyrights is authorized to specify by regulation the nature of the copies or phonorecords to be deposited for various classes of works. Pursuant to the authority granted to the Register in section 408(c)(2), which authorizes the Register to require or permit for particular classes the deposit of identifying materials instead of copies or phonorecords, the Copyright Office regulations at 37 CFR 202.20(e) require the deposit of identifying portions of certain works embodied in a machine-readable format in lieu of machine-readable copies.

At the time this regulation was implemented in 1976, machine-readable copies were not widely marketed to the public-at-large and for this reason the Library of Congress decided not to acquire such copies for its collections, and exempmed machine-readable copies from mandatory deposit for use of the Library under section 407. Since that time, great changes have occurred. As a result of their great popularity, machine-readable computer software and databases are in wide demand. In response to these public needs, the Library of Congress established a Machine-Readable Collections Reading Room to provide access to standard reference materials and computer programs available in machine-readable form.

On October 18, 1989 the Copyright Office published final regulations (54 FR 42269) revoking the exemption from mandatory deposit of certain machine-readable copies under section 407 for use of the Library of Congress. The amended rules require the deposit of the best edition CD-ROM package under section 408 for copyright registration for any work reproduced in CD-ROM format. The regulations regarding mandatory deposit pursuant to section 407 are also adjusted to parallel the change in the deposit for registration.

Under the amended rules, where a work has been fixed in a CD-ROM format, the deposit for registration shall consist of the complete CD-ROM package, including the accompanying software and instruction manual, and a printed version of the work, if available. A complete copy of a published work includes all of the elements comprising the applicable unit of publication of the work, including elements that, if considered separately, would not be copyrightable subject matter or could be the subject of a separate registration.

These amendments are issued to clarify that a CD-ROM package, whenever available, is the preferred form of deposit for the works embodied therein, both for registration and mandatory deposit. The CD-ROM package is emerging as a major format for dissemination of important information and reference works. The Library of Congress needs to add this format to the national collection for the benefit of the public and the Congress.

The deposit requirements for automated databases, compilations, statistical compendia and the like are not changed if the works are available only on-line, or if they are not available in a CD-ROM format. The deposit for most machine-readable works will continue to be one copy of identifying portions of the work, reproduced in visually perceptible form.

The Machine-Readable Reading Room displays a warning of copyright to advise readers about the restrictions of the copyright law.

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position that this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress, which is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5, U.S. Code, subchapter II and chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office.

ML-433
October 1991-500
agencies as defined in the Administrative Procedure Act.¹

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined and hereby certifies that this regulation will have no significant impact on small businesses.

List of Subjects in 37 CFR Part 202

Copyright registration; Computer technology; Databases.

Final Rule

In consideration of the foregoing, part 202 of 37 CFR, chapter II is amended in the manner set forth below.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

1. The authority citation for part 202 continues to read as follows:


2. Section 202.19(c)(6) is revised to read as follows:

§ 202.19 Deposit of published copies or phonorecords for the Library of Congress.

(c) * * *

(6) Automated databases available only on-line in the United States. The exception does not include the following: automated databases distributed in the form of machine-readable copies (such as magnetic tape or disks, CD-ROM formats, punch cards, or the like); computerized information works in the nature of statistical compendia, serials, and reference works; works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films and works published in any variety of microform); works published in visually perceivable form but used in connection with optical scanning devices; and works reproduced in CD-ROM formats.

3. Section 202.20(c)(2)(vi) introductory text is revised to read as follows:

§ 202.20 Deposit of copies and phonorecords for copyright registration.

(c) * * *

(2) * * *(vi) Computer programs and databases embodied in machine-readable copies other than CD-ROM format. In cases where a computer program, database, compilation, statistical compendium, or the like, if unpublished is fixed, or published is published only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, semiconductor chip products, or the like) other than a CD-ROM format, from which the work cannot ordinarily be perceived except with the aid of a machine or device, the deposit shall consist of:

* * *

§ 202.20 (Amended)

4. The heading and the first sentence of § 202.20(c)(2)(vii) introductory text are revised to read as follows:

§ 202.20 Deposit of copies and phonorecords for copyright registration.

(c) * * *

(2) * * *(vii) Machine-readable copies of works other than computer programs, databases, and works fixed in a CD-ROM format. Where a literary, musical, pictorial, graphic, or audiovisual work, or a sound recording, except for works fixed in a CD-ROM format and literary works which are computer programs, databases, compilations, statistical compendium or the like, if unpublished has been fixed or, if published, has been published only in machine-readable form, the deposit must consist of

* * *

§ 202.20 (Amended)

5. Section 202.20(c)(2)(ix) is revised to read as follows:

§ 202.20 Deposit of copies and phonorecords for copyright registration.

(c) * * *

(2) * * *(ix) Copies containing both visually-perceptible and machine-readable material other than a CD-ROM format. Where a published literary work is embodied in copies containing both visually-perceptible and machine-readable material, except in the case of a CD-ROM format, the deposit shall consist of the visually-perceptible material and identifying portions of the machine-readable material.

* * *

§ 202.20 (Amended)

6. Section 202.20 is amended by adding a new paragraph (c)(2)(viii) to read as follows:

(c) * * *

(2) * * *(viii) Works fixed in a CD-ROM format. (A) Where a work is fixed in a CD-ROM format, the deposit must consist of one complete copy of the entire CD-ROM package, including a complete copy of any accompanying operating software and instructional manual, and a printed version of the work embodied in the CD-ROM. If the work is fixed in print as well as a CD-ROM, a complete copy of a published CD-ROM package includes all of the elements comprising the applicable unit of publication, including elements that if considered separately would not be copyrightable subject matter or could be the subject of a separate registration.

(B) In any case where the work fixed in a CD-ROM package cannot be viewed on equipment available in the Examining Division of the Copyright Office, the Office will seek an appropriate deposit in accordance with paragraph (d) of this section, in addition to the deposit of the CD-ROM package.

* * *

Ralph Oman,
Register of Copyrights.

Approved by:
James H. Billington,
Librarian of Congress.

[FR Doc. 91-25322 Filed 8-14-91; 8:45 am]

BILLING CODE 4810-01-M

¹ The Copyright Office was not subject to the Administrative Procedure Act before 1976, and it is now subject to it only in areas specified by section 703(g) of the Copyright Act (i.e., "all actions taken by the Register of Copyrights under this title (17), except with respect to the making of copies of copyright deposit(s)" (17 U.S.C. 703(g)). The Copyright Office does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA-FIPA requirements. 1910-1991-500

ML-433

October 1991-500

Error: line should read:
"(viii) Works fixed in a CD-ROM"
Appendix G

ML-387, Notice of Policy Decision: Registration and Deposit of Computer Screen Displays
NOTICE OF POLICY DECISION

REGISTRATION DECISION; REGISTRATION AND DEPOSIT OF COMPUTER SCREEN DISPLAYS

The following excerpt is taken from Volume 53, Number 112 of the Federal Register for Friday, June 10, 1988 (pp. 21817-21820).

Library of Congress
Copyright Office
37 CFR Part 202
(Docket No. 87-1)
Registration Decision; Registration and Deposit of Computer Screen Displays

AGENCY: Copyright Office, Library of Congress.

ACTION: Final registration decision.

SUMMARY: This notice of a registration decision is issued to inform the public that the Copyright Office of the Library of Congress has determined that all copyrightable expression owned by the same claimant and embodied in a computer program, or first published as a unit with a computer program, including computer screen displays, is owned by the same claimant and should be registered on a single application form. The notice also conforms the applicability to computer screen displays of 37 CFR 202.3(b)(3) concerning registration of all copyrightable expression in a unit of publication and 37 CFR 202.3(b)(9) concerning one registration per work. In order to clarify copyright claims in computer screen displays, applicants will be accorded an option of depositing visual reproductions of computer screens along with identifying materials for the computer code. Where a work contains different kinds of authorship, the registration class will be determined on the basis of which authorship predominates. 37 CFR 202.3(b)(1).


SUPPLEMENTARY INFORMATION:

Registration of Computer Screen Displays; Policy Decision

1. Background

Original computer programs are works of authorship protected by copyright, whether they are in high level computer language (source code) or machine language (object code). William Electronics, Inc. v. Artic International, Inc., 685 F.2d 870 (3d Cir. 1982); and since 1984, the Copyright Office has registered computer programs as literary works. Section 101 of the Copyright Act of 1976, Title 17 of the United States Code, defines a computer program as "a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result." Copyright registration is made for original computer programs in the literary work classification upon submission of an appropriate application, fee, and deposit identifying the work. In general, the first 25 pages or the equivalent and the last 25 pages or the equivalent of computer source code should be deposited in seeking registration. 37 CFR 202.3(b)(3)(iii)(A).

The Copyright Act also provides that "[i]n no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work." 17 U.S.C. 102(b).

The court has held in several videogame cases that pictorial and graphic screen displays can be copyrighted as visual works. M. Kramer Manufacturing Co., Inc. v. Andrews, 735 F.2d 452 (4th Cir. 1984); Williams Electronics, Inc. v. Artic International, Inc., 685 F.2d 870 (3d Cir. 1982); Stern Electronics, Inc. v. Kaufman, 869 F.2d 852 (2d Cir. 1988).

Consistent with the videogame precedents, the Copyright Office in the past has registered pictorial screen displays that meet the ordinary standard of original, creative authorship. Single registrations have been made for the videogame displays and the computer program code, as separate registrations for the display and the code. Under present practices, however, the Office does not register separately textual screen displays, reasoning that there is no authorship in ideas, or the format, layout, or arrangement of text on the screen, and that any literary authorship in the screen display would presumably be covered by the underlying computer program—itself a literary work. Moreover, the regulations specify one registration per work. 37 CFR 202.3(b)(6).

Most claims, however, exist in the computer code. Copyright Office regulations have made only one registration for the computer program and have assumed that the registration covers any copyrightable authorship in the screen displays, without any need for a separate registration. The Copyright Office agrees with this interpretation of the...
regulations and registration practices. Judicial decisions do not yet lend clear guidance on the copyrightability of screen displays (other than videogame displays), apart from the computer program. One court has held that protection of computer programs extends only to source and object code and not to input formats. Synectics Technology Inc v. University Computing Company, 462 F. Supp. 1000 (N.D. Tex. 1978). Others have protected the structure, sequence and organization of certain business-related programs, including the text and artwork of their audiovisual displays. Broderbund Software Inc v. Laserpoint World Inc, 848 F. Supp. 1127 (N.D. Cal. 1993); Whelan Associates Inc v. Jonlow Dental Laboratory, Inc, 786 F.2d 1251 (3d Cir. 1986). Most recently, in Digital Communications Association Inc v. Softkone Distributing Corp, 869 F. Supp. 449 (N.D. Ga. 1994), the court held the copyright in a computer program does not extend to the screen displays, but held valid a separate claim in a screen based on "compilation" of the menu terms.

The Copyright Office is currently holding a large number of claims to register textual and pictorial screen displays separate from the underlying programs that generate them. The Softkone decision, if generally followed, would render invalid the separate claim to copyright in screen displays in order to enjoy copyright protection. This decision seemed to cast doubt on the scope of copyright in computer programs when the screen displays made for the screen displays. In order to consider whether a modification of existing registration practices is necessary, the Copyright Office held a public hearing on September 8th and 9th, 1987, and solicited public comments. 52 FR 22631 (1987).

II. Summary of Comments

Twelve witnesses testified in the hearings held September 8th and 9th. In addition, 35 written comments were received.

Of the witnesses giving oral testimony, three took the position that computer screens should be registered separately from the underlying computer program. Two witnesses taking this position argued that only through separate registration could users become aware of the extent of copyright claims in computer screens. The third witness believed that computer screens should be registered separately because they represent fundamentally different authorship from the underlying computer program code.

Several witnesses favored giving the applicant an option either to register the computer screens and underlying program on a single application, or alternatively, to make two registrations—one for the program and one for the screen display. Proponents of this position agreed with those favoring separate registration that the authorship in the screen displays differs from the authorship in the computer program code. Nevertheless, witnesses for this position believed applicants should be able to protect their screens on the basis of a single registration of the underlying program if that were the course they chose to follow. They stressed that, although separate registration should be allowed at the applicant's option, it was essential that the Office's registration practices make clear that those claimants who elect a single registration nevertheless have full copyright protection for any original computer screen.

Several witnesses took the position that only a single registration should be permitted for a published computer program and any authorship contained in the screens. The rationale for this position was that a published computer program is "a unitary work with a multiplicity of elements which are molded into a cohesive, integrated whole."

A fourth position endorsed by one witness would allow only a single registration to be made in most instances. However, as an exception to the general rule, a separate registration of audiovisual, textual, and a successful computer screen displays would be permitted where the audiovisual authorship is predominant over the computer code authorship and clearly identifiable as a separate work. The comments received after the hearing (including some from those who had testified) largely tracked the themes expressed in the hearing. A few commentators urged greater restrictions on the application of the copyright law to protect computer programs. One commentator argued that the copyright law should not be applied to computer programs at all, and that protection should be limited to what is available under the patent law. Another commentator urged limiting protection to authorship revealed in the material deposited in the Copyright Office.

In summary, the public comments, both oral and written, fall into three main categories: mandatory separate registration of screens and program code; mandatory single registration of screens and program code; and single or separate registration at the option of the claimant.

III. Overview of Policies Adopted by the Copyright Office

The Copyright Office carefully considered all the testimony and written comments submitted with respect to computer screens. The Office has decided generally to require that all copyrightable expression embodied in a computer program, including computer screen display screens, and owned by the same claimant, be registered on a single application form. This policy applies to unpublished computer programs as well as to published programs. The Office finds that in the interest of a clear, consistent public record, our registration practices should discourage piecemeal registration of parts of works. Ordinarily, where computer program authorship is part of the work, literary authorship will predominate, and one registration should be made on application Form TX. Where, however, audiovisual authorship predominates, the registration should be made on Form PA.

Under existing Copyright Office regulations, only one registration can be made for the same work embodied in a single work owned by a given claimant. 37 CFR 202.3(b)(9). In such cases, all copyrightable elements embodied in the work are covered by the single registration. Moreover, the Office generally prefers a single registration for a work that contains discrete copyrightable components, but is published together as a unit. 37 CFR 202.3(b)(3). Finally, where a work contains separate elements that fall into two or more claims, the application should be filed in the office class that predominates. 37 CFR 202.3(b)(2). This principle applies even if the work has two or more authors who have created either a unitary, a collective, or a joint work.

In considering the issue of computer screen displays, the Copyright Office concludes there is no sound basis for departing from this basic principle of copyright regulations in the case of computer programs and related screens. In order to reflect better for the public record the copyright claims in computer screens, applications in the future will be required to deposit visual reproductions of the computer screen displays along with reproductions of any accompanying sounds and the identifying material for the computer program code. The Office will examine the visual or audiovisual deposit and make a determination whether the deposit reveals copyrightable authorship.

IV. One Registration Per Work

The long-standing principle of one registration per work has significant advantages for copyright claimants, the public, and the Copyright Office and provides a uniformity not available if multiple registrations were optional. Copyright claimants are able to register all copyrightable elements and make a single public record of their claim.

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Of the witnesses giving oral testimony, three took the position that computer screens should be registered separately from the underlying computer program. Two witnesses taking this position argued that only through separate registration could users become aware of the extent of copyright claims in computer screens. The third witness believed that computer screens should be registered separately because they represent fundamentally different authorship from the underlying computer program code.

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Several witnesses took the position that only a single registration should be permitted for a published computer program and any authorship contained in the screens. The rationale for this position was that a published computer program is "a unitary work with a multiplicity of elements which are molded into a cohesive, integrated whole."

A fourth position endorsed by one witness would allow only a single registration to be made in most instances. However, as an exception to the general rule, a separate registration of audiovisual, textual, and successful computer screen displays would be permitted where the audiovisual authorship is predominant over the computer code authorship and clearly identifiable as a separate work. The comments received after the hearing (including some from those who had testified) largely tracked the themes expressed in the hearing. A few commentators urged greater restrictions on the application of the copyright law to protect computer programs. One commentator argued that the copyright law should not be applied to computer programs at all, and that protection should be limited to what is available under the patent law. Another commentator urged limiting protection to authorship revealed in the material deposited in the Copyright Office.

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In considering the issue of computer screen displays, the Copyright Office concludes there is no sound basis for departing from this basic principle of copyright regulations in the case of computer programs and related screens. In order to reflect better for the public record the copyright claims in computer screens, applications in the future will be required to deposit visual reproductions of the computer screen displays along with reproductions of any accompanying sounds and the identifying material for the computer program code. The Office will examine the visual or audiovisual deposit and make a determination whether the deposit reveals copyrightable authorship.

IV. One Registration Per Work

The long-standing principle of one registration per work has significant advantages for copyright claimants, the public, and the Copyright Office and provides a uniformity not available if multiple registrations were optional. Copyright claimants are able to register all copyrightable elements and make a single public record of their claim.
Copyright Registration

5. Predominant Authorship Standard

As new technologies emerge, new means of expression are submitted to the Copyright Office for copyright registration. The registration decisions that are initially reached by the Office are often a matter of first impression. Such was the case when arcade videogames were first submitted to the Office for registration. The Office decided to permit an audiovisual registration of the display, sometimes separate from the underlying computer program, and sometimes with the program as a single registration. The Copyright Office has now decided to treat videogame displays the same as other works that include authorship in a computer program and screen displays. A single registration will be made for the audiovisual authorship and any related computer program code owned by the same claimant. Separate registrations will not be made. If audiovisual authorship predominates, the single registration should be made in Class 1A.

The courts have not fully examined the implications of protection for screen displays except in the videogame context where standardization of user interface screens is a non-controversial public policy issue. The practices adopted today by the Office should facilitate judicial consideration of the relationship between computer program code, audiovisual authorship, and screen displays.

6. "Nature of Authorship" Description

The "nature of authorship" for a computer program should be described in space 2 of the application form. An applicant may not desire to cover copyrightable elements as "entire work" or "computer program as a whole." This description would cover any copyrightable authorship contained in the computer program code and screen displays, regardless of whether identifying material for the screens is deposited. An applicant may include a reference to the authorship in screen displays, e.g., "computer program code and screen displays." Such a designation would require a deposit of visual reproductions showing sufficient copyrightable authorship to support a claim to copyright in the screen displays. Applicants should not refer to elements such as "menu screens," "structure, sequence, and organization," "layout," or "format and the like."

The Compendium of Copyright Office Practices II, as issued in 1995, sets forth that registration will not be made for the "algorithm of a computer program or the "formatting," "function," "logic," or "system design." Compendium II, § 325.02(c).

The Office has a well-established practice of refusing to register claims to copyright in mere format or structure. This practice is based on the statutory prohibition against copyright in ideas, systems, concepts, or discoveries. 17 U.S.C. § 102(b). See also Motorola v. Proctor & Gamble Co., 379 F.2d 675 (1st Cir. 1967) and Atari Games Corp. v. Ocean (unpub. op., Civ. No. 86-0021, D.D. C. May 25, 1988). Of course, if the screen display images contain of original, creative pictorial expression, then copyright may be claimed in that expression. The courts will determine the scope of copyright protection in appropriate cases.

7. Deposit of Visual Reproductions of Computer Screen Display

The deposit requirement for registration of a computer program remains unchanged. When the authorship is described in general terms this deposit is sufficient to cover the entire claim, including any copyrightable authorship in the screen displays.

Deposit of identifying material related to the screens is possible but not ordinarily required. However, when specific reference to a screen display is included in the application, the deposit must include visual or audiovisual reproductions of the screen displays. Visual or audiovisual reproductions shall consist of printouts, drawings or a 1/5 inch VHS videotape of the screens.

8. Implementation

The Copyright Office is not presently proposing any changes in the regulations. The basic policies of one registration per work, a single registration for different authorship combined in a single unit of publication, and a single registration based on predominant authorship, are already reflected in the regulations. The optional deposit of visual or audiovisual reproductions of computer screen displays as a supplement to the deposit of other identifying material has not yet been incorporated into the deposit regulations because the deposit regulations reflect minimum requirements. The regulations will be modified at a later time. This Notice of a Policy Decision will inform the public of the registration and deposit requirements relating to computer screen displays.

The Copyright Office will also modify Compendium II of Copyright Office Practices. The examination and registration of machine-readable works present many unique issues. The Copyright Office believes it is preferable to treat these in detail in a work such as the Compendium rather than in regulations that are intended to have general applicability.
Impact of This Policy Decision on Earlier Registrations

The policies announced in this computer screen displays decision constitute a clarification of the general registration policies first adopted in the 1978 registration regulations. Before opening this public proceeding, the Office held the general view that a single registration was sufficient to protect the copyright in a computer program, including related screen displays, without a specific claim to screen displays authorship on the application and without deposit of identifying material disclosing the screen display. Since this decision confirms the validity of a single registration policy, the Office assumes that this decision makes clear to the public and the courts our view that

multiple claims are unnecessary and indeed not appropriate. In accordance with this policy decision, the Office intends that a single registration for computer program code and screen displays should be reasserted that the registrations are valid. The Office will not make a new basic or supplemental registration in order to allow a specific claim in the screen displays nor will the Office now accept the deposit of identifying material for the screens because all of the copyrightable material has already been registered. In those cases where separate registrations were made for computer program code and the screen displays, the registrations are also valid if, in each case, the registration is based on original, creative authorship. In future,

in accordance with this policy decision, the Office intends that a single registration should be made for a work consisting of a computer program and accompanying screen display that are owned by a single claimant. The registration class (literary, visual arts, or audiovisual, for example) will be determined on the basis of which authorship predominates.

Ralph O. Mecke,
Registrar of Copyrights.
Approved by:
William J. Walsh,
Acting Librarian of Congress.

[FR Doc. 88-15329 Filed 6-9-88; 8:45 am]

A

*Errors; line should read:*  
"original, creative authorship. In the future."
Appendix H

ML-399, Final Regulations: Registration of Claims to Copyright
Deposit Requirements for Computer Programs Containing Trade
Secrets and for Computer Screen Displays
FINAL REGULATIONS

REGISTRATION OF CLAIMS TO COPYRIGHT DEPOSIT
REQUIREMENTS FOR COMPUTER PROGRAMS CONTAINING
TRADE SECRETS AND FOR COMPUTER SCREEN DISPLAYS

The following excerpt is taken from Volume 54, Number 61 of the Federal Register for Friday, March 31, 1989 (pp. 13173-13177)

LIBRARY OF CONGRESS
Copyright Office
37 CFR Part 202
(Docket RM 83-48)
Registration of Claims to Copyright Deposit Requirements for Computer Programs Containing Trade Secrets and for Computer Screen Displays
AGENCY: Library of Congress, Copyright Office.
ACTION: Final regulations.
SUMMARY: This document is issued to inform the public that the Copyright Office established regulations governing the deposit for registration of claims to copyright at 37 CFR Ch. II § 202.20 and § 202.21. Special provisions are established for machine-readable copies (§ 202.20(c)(2)(vii)) and so-called "secure tests" (§ 202.20(c)(2)(vi)). In addition, § 202.20(d) establishes a procedure for special relief in cases where the normally applicable deposit requirements pose an undue hardship.

1. Background

Under section 408 of Title 17 of the United States Code, the Copyright Act, copyright registration of both published and unpublished works requires a deposit of a copy, phonorecord, or other material to identify the work for which registration is sought and to permit examination of the claim by the Copyright Office, in accordance with section 410 of the Act. Except as provided by subsection (c) of section 408, subsection (b) generally requires the deposit of one complete copy or phonorecord in the case of an unpublished work, or two complete copies or phonorecords of the best edition in the case of a published work. For works first published outside the United States, the Act requires deposit of one complete copy or phonorecord as so published. Subsection (c) of section 408 authorizes the Register of Copyrights to specify administrative classes of works for purposes of deposit and registration, to determine the nature of the copies to be deposited, and to permit or require the deposit of identifying materials in lieu of actual copies.

In reliance on this authorization, the Copyright Office established regulations governing the deposit for registration of claims to copyright at 37 CFR Ch. II § 202.20 and § 202.21. Special provisions are established for machine-readable copies (§ 202.20(c)(2)(vii)) and so-called "secure tests" (§ 202.20(c)(2)(vi)). In addition, § 202.20(d) establishes a procedure for special relief in cases where the normally applicable deposit requirements pose an undue hardship.

Section 202(6) of the copyright law requires all deposits retained under the control of the Copyright Office to be available for public inspection. As a result of the public inspection requirements, some copyright claimants have asserted that the deposit of material containing trade secrets jeopardizes trade secret protection under state law. No court, however, has specifically ruled on this issue.

Under the deposit procedures now in force, in order to register a claim to copyright in a computer program, the applicant is required to deposit the first and last twenty-five pages of the program in the form of source code. If the applicant cannot or will not deposit source code, registration can be made based on object code under the rule of doubt. Claimants are warned that the Copyright Office has merely accepted their assertion of original authorship and has made no independent determination of copyrightable authorship.

Rather than deposit fifty pages of source code, some applicants invoke the special relief (waiver) provisions of the deposit regulation. The Examining Division of the Copyright Office developed three categories of deposits for which special relief would automatically be granted, based on the administrative experience of several years. (See Compendium II of Copyright Office Practices (§ 324.05(a)).) The three alternatives are: (1) The first and last 25 pages of source code with some portions blocked out, provided that the blocked-out portions are proportionately less than the material still remaining; (2) at least the first and last ten pages of source code alone with no blocked-out portions; or (3) the first and last 25 pages of object code plus any ten or more consecutive pages of source code with no blocked-out portions.

Despite the existence of trade secrecy concerns, over 90% of computer program remitters continue to submit the required 50 pages of source code without portions blocked out. Of the remitters seeking special relief due to trade secrecy concerns, most are able to utilize one of the three automatic grants of special relief. A small portion of claims in computer programs fall outside the three categories and are processed under the general special relief procedures of § 202.20(d).

In order to evaluate and consider the issue of trade secrecy in relation to computer program deposits, the Copyright Office initiated a rulemaking proceeding by publishing a Notice of Inquiry in the Federal Register.
requesting public comments on the matter. (48 FR 32951). The Notice summarized the statutory framework of the deposit requirement and discussed the special deposit provisions for "secure text" and the nature of trade secret protection.

The Copyright Office received a total of 41 responses to the Notice of Inquiry. The vast majority of the responses were from members of the computer industry and the overwhelming sentiment was in favor of establishing special deposit procedures to mitigate the alleged uncertainties associated with depositing material containing trade secrets in a public office.

On the basis of the comments received, the Copyright Office concluded that the particular problems of the computer industry merited special deposit provisions. On September 30, 1986, the Copyright Office published a proposed regulation advancing four alternative deposits in the case of computer programs containing trade secrets. (51 FR 34670). Three of the alternatives were based on the three automatic grants of special relief described above. A fourth alternative, covering small computer programs of less than 25 pages, was also proposed. In addition, the Copyright Office proposed adding a provision requiring the disclosure to the Copyright application of the number of lines in the program.

2. Summary of the Public Comments

The Copyright Office received six comments to its proposed regulation. Only four of the comments, however, addressed the deposit procedures concerning computer programs containing trade secrets. A summary of the four comments follows:

- One computer equipment and software company opposed the requirement of indicating the number of lines in the program on the ground that there is no standard of measure across the software industry in the U.S. or worldwide that provides a uniform count of lines of source code.
- Additionally, the company criticized the object code practice of the Copyright Office, and argued that the policy should be clarified and made uniform. Finally, the company pointed out that proposed § 202.20(c)(2)(vii)(A)(2) concerning the four alternative deposits was not made specifically applicable to revised computer programs.

The Information Industry Association (IIA) asked whether the use of diagonal stripping would be an acceptable means of blocking-out under the proposed regulation. The IIA voiced support for the stripping method because it could be conducted by clerical staff without supervision of expensive professional staff. In addition, the IIA requested that the regulation be clarified concerning continued availability of special relief.

One private practitioner recommended specifying source code in § 202.20(c)(2)(vii)(A)(1). In addition, he generally favored the deposit of brief descriptions of any deleted material and specification of the lines deleted.

3. Summary of the Regulatory Decisions

In addition to consideration of the public comments, the Copyright Office reviewed the administrative experience with respect to computer programs. As a result of this consideration and review, the Copyright Office has made the following changes in the proposed regulations:

- The suggestion that source code be specified in § 202.20(c)(2)(vii)(A)(1) is adopted.
- The proposed requirement of indicating the number of lines in the program is not adopted.
- The four alternative deposits specified in § 202.20(c)(2)(vii)(A)(2) are clarified.
- The practice of accepting object code under the rule of doubt is made a part of the regulations.
- Source code stripped in a manner that virtually blocks out all computer code expression will not be an acceptable form of deposit. Sufficient copyrightable expression must remain unblocked to enable the Office to determine that registration should be made.
- Section 202.20(c)(2)(vii)(A)(3) has been clarified explicitly to cover revised computer programs.
- The continued availability of special relief for computer programs containing trade secrets is reaffirmed, but without any change in the special relief regulation.

4. Explanation of the Regulatory Decisions

- Specification of source code. The suggestion that § 202.20(c)(2)(vii)(A)(1) formally designate source code is a good one and is adopted. By specifying source code, the regulation will more accurately reflect the longstanding policy of the Copyright Office.

- ELision of the requirement of indicating the number of lines in the program. Two computer equipment and software companies criticized the proposed requirement to specify the approximate number of lines in the program. The computer proposal was ambiguous and that the information was often not readily available to the applicant. A random survey of deposits submitted to the Copyright Office confirmed the nonexistence of uniform numbering patterns. In light of the lack of uniformity concerning the numbering of lines, the Copyright Office has decided not to adopt this requirement.

The Copyright Office has made the following changes in the proposed regulations:

- The alternative deposits are specified in § 202.20(c)(2)(vii)(A)(2). Three of the four alternatives specified in proposed § 202.20(c)(2)(vii)(A)(2) were taken directly from Compendium III of the Copyright Office's Practices. From the comments it appears some ambiguity exists as to when "blocking-out" is permissible. Specifically, the question was raised whether blocking-out is permissible only for trade secret material, or in permissible systematically to block-out the entire program by diagonal stripping or other similar means. Also, in the case of programs in which executable computer code comprises less than 50% of the source code, is it permissible to block-out all of the executable computer code, leaving only scattered data? In short, the Copyright Office has determined that registration is permitted only for trade secret material, and only noncopyrightable material. The Office has also made registration based on "stripped" computer code deposits.

In registering all copyright claims, the Copyright Office examines the deposit to determine the existence of copyrightable authorship. In the vast majority of cases involving computer programs, the presence of copyrightable computer code is apparent. In the unusual case, however, where all of the copyrightable expression has been blocked out, and only noncopyrightable elements remain, no registration would be warranted on the basis of that deposit. This would be true even if the deposit met the 50% test, whereby the unblocked (but uncopyrightable) portion was greater than the blocked-out portion.

In order to address these concerns, the Copyright Office is clarifying the circumstances under which some portion of the code can be blocked-out. First, in the case of computer programs, we re-affirm that blocking-out is permitted only with respect to trade secret material. This has been the general practice of the Office, and we see no justification for blocking-out the whole program.

*The Office does not distinguish between source code and nonexecuting computer code—or data—either can be copyrightable.

"Error; line should read: "unusual case, however, where all of the..."
code unless trade secrecy concerns override the public interest in disclosure of the material in which copyright is claimed. This rule applies irrespective of the form of blocking-out, whether entire words or phrases are blocked or the stripping method is used. Second, a requirement is added that the unblocked portions contain "an appreciable amount of original computer code." This requirement is intended to ensure that the deposit discloses sufficient computer code to constitute recognizable copyrightable expression to justify registration under sections 102 and 410 of the Copyright Act. 4

(4) Specification of the object code practice in the regulations. There are typically two versions of a computer program, i.e., the source code and the object code. The source code is the version of the program written in computer language by the programmer. To be usable by the computer, however, the source code must be converted into binary form called object code. In general, object code cannot be read by humans without great difficulty, and then only by experts.

In developing copyright registration practices concerning computer programs, the Copyright Office took the position that source code is the best representation of the authorship in the program. It can be more readily understood by the public, the courts, and copyright examiners. Accordingly, the Office requested that the deposit of "identifying portions" should consist of source code. Registration based solely on object code has been considered only under the "rule of deposits," and the claimant is cautioned accordingly.

The Notice of Inquiry, which started this rulemaking process, opened the object code practice for public comment. While many criticized the practice, there is an acknowledgment of the fact that examiners cannot determine the existence of copyrightable authorship by examining identifying material objects of object code. Most of those criticizing the practice cited the willingness of federal courts to recognize copyright protection in object code versions. The Copyright Office finds, however, that these cases are not precedents for reversing the object code policy. While courts have found that the copying of object code infringes the computer program copyright, they have done so primarily under registrations based on an examination of source code. Therefore, it is clear that the registration policy of the Copyright Office has not prevented copyright holders from securing protection for infringement of object code versions.

Section 408 of title 17 clearly authorizes the Register of Copyrights to determine the nature of the deposit for registration. Decisions of the Copyright Office on this issue have not materially affected the rights of copyright holders in the object code versions of their computer programs.

To the extent registrations are made without full examination for copyrightable authorship, the burden is placed on the federal courts to make that determination without benefit of an administrative record. The case presumably would require more judicial scrutiny, and therefore the judicial process will take more time and expend more resources. The courts, in an adversary proceeding under the federal rules of discovery and evidence, are, of course, better equipped that the Copyright Office to make decisions on the copyrightability of object code versions of computer programs. The Office's object code practice provides an avenue for that judicial examination. At the same time, the courts must know that a different kind of agency examination has been made.

In the publication of the proposed regulation, the Copyright Office announced the continuation of the object code policy. On reflection, the Copyright Office has decided to make the policy a part of the regulations. Litigation is clearly expanding in the area of computer software, and it is only prudent to minimize the chances for misunderstanding the Office position.

(5) Deposit of stripped source code. Stripping is essentially a means for covering up the creative expression in a computer program through diagonal or vertical stripes.

The Copyright Office will not accept source code stripped in a manner that virtually blocks out all copyrightable expression. This has been the general practice of the Office, and we now confirm and clarify this practice in the regulations. Enough copyrightable expression must remain visible to enable the Office to make a determination that the work is entitled to registration.

(6) Clarification of §202.20(c)(vii)(A)(2) to cover revisions. Section 202.32(c)(2)(vii)(A)(2) is amended specifically to cover revisions.

(7) Reaffirmation of continued availability of special relief. Virtually all of the comments were concerned about the continued availability of special relief in cases where the applicant believes the four alternatives are insufficient. The Copyright Office hopes to allay these concerns by reaffirming the continued availability of special relief in cases of computer programs containing trade secrets. However, all applicants seeking special relief must be willing to deposit source code revealing copyrightable expression if they want a certificate which has not been annotated in the manner of applications accompanied by object code or stripped source code deposits.

Most of the comments requested amendment of the regulations to make clear the continued availability of special relief. The Copyright Office declines to do this for two reasons. First, nothing in the present regulations restricts the seeking of special relief for computer programs containing trade secrets. Second, the inclusion of such a provision would refer to a claim in computer programs the present deposit requirements are unreasonable. The deposits actually received by the Copyright Office reveal this is not the case. The vast majority of the deposits for computer program registrations consist of the first and last 25 pages of source code. In the remaining cases, most have been able to utilize one of the automatic grants of special relief. The Office finds the deposit regulations are reasonable, and waivers of the regulations are necessary only in a relatively small number of cases.

5. Computer Screen Deposit Requirements.

On June 10, 1988, the Copyright Office announced and published a policy decision with respect to computer screen displays (53 FR 21817). This policy decision was reached based on a thorough review of Copyright Office regulations and practices of the statute, of comments received at a public hearing on September 8-10, 1987 and of written comments. The Office confirmed the applicability to computer screen registration claims of existing regulations (2 CFR 302.3(b) (3) and (8)) establishing immunity from registration requirements. The Office determined that all copyrightable expression owned by the same claimant and embodied in a computer program, or first published as a unit with a computer program, including computer screen displays, is considered a single work and should be registered on a single application form.

With respect to deposit requirements, the Office gave general guidance and stated that the regulations would be amended at a later time. The Office now amends the deposit requirements for computer programs with respect to computer screen material. As stated in the June 10, 1988 policy decision, claimants have the option to include or omit on the registration application any specific reference to computer screen material. If computer screen

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material is specifically claimed, however, then the deposit must include appropriate reproductions of the screen displays.

The amended regulations require deposit of visual reproductions, such as printouts, photographs, or drawings in most cases. A computer program manual will not constitute an acceptable deposit to identify the computer screen authorship. Separate printouts, photographs, or drawings are required. A one-half inch VHS videotape is generally acceptable identifying material where the authorship is predominantly audiovisual, for example, in the case of a videogame. Videotape is not acceptable where the literary authorship predominates. Moreover, even where the claim relates to predominantly audiovisual authorship, videotape is not an acceptable form of deposit if the audiovisual material simply demonstrates the functioning of the computer program.

In the situations described above, the Office has decided not to accept a computer program manual or a videotape as identifying material for computer screen displays because its experience in examining a variety of claims has proved that the manual and the videotape deposit confuse the nature of authorship for the examiner and the public record. That is, the authorship relating to the screen displays may be confused with other authorship represented in the material object. The Office finds that printouts, photographs, or drawings provide a clearer record of the claim in the computer screen displays.

Regulatory Flexibility Act Statement. With respect to the Regulatory Flexibility Act, the Copyright Office takes the position that this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress, which is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act. Pursuant to 37 U.S.C. 510(a), the Copyright Office is an "agency", as defined in the Administrative Procedure Act. As examples, personal actions taken by the Office are not subject to APA-FOIA requirements.

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined and hereby certifies that this regulation will have no significant impact on small businesses.

List of Subjects in 37 CFR Part 202
Copyright registration, Computer program.

Final Regulations
In consideration of the foregoing, Part 202 of 37 CFR, Chapter II is amended in the manner set forth below.

PART 202—AMENDED
1. The authority citation for Part 202 continues to read as follows:
2. Section 202.20 is amended by revising paragraph (c)(2)(vii)(A), by redesignating (c)(2)(vii)(B) as (c)(2)(vii)(C), and by adding paragraphs (c)(2)(vii)(I) and (c) as follows:
§ 202.20 Deposit of copies and phonorecords for copyright registration.
(c) * *
(2) * *
(I) Computer programs and databases embodied in machine-readable copies. In cases where a computer program, database, compilation, statistical compendium or the like, if unpublished is fixed, or if published is published only in the form of machine-readable copies (such as magnetic tape or disk, punched cards, semiconductor chip products, or the like) from which the work cannot ordinarily be perceived except with the aid of a machine or device, the deposit shall consist of:
(A) For published or unpublished computer programs, one copy of identifying portions of the program, reproduced in a form ordinarily perceivable without the aid of a machine or device, either on paper or in microform. For these purposes "identifying portions" shall mean one of the following:
(1) The first and last 25 pages or equivalent units of the source code if reproduced on paper, or at least the first and last 25 pages or equivalent units of the source code if reproduced in microform, together with the page or equivalent unit containing the copyright notice. If any, if the program is 50 pages or less, the required deposit will be the entire source code. In the case of revised versions of computer programs, if the revisions occur throughout the entire program, the deposit of the page containing the copyright notice and the first and last 25 pages of source code will suffice. If the revisions do not occur in the first and last 25 pages, the deposit should consist of the page containing the copyright notice and any 50 pages of source code representative of the revised material; or
(2) Where the program contains trade secret material, the page or equivalent unit containing the copyright notice, if any, plus one of the following: the first and last 25 pages or equivalent units of source code with portions of the source code containing trade secrets blocked-out, provided that the blocked-out portions are proportionately less than the material remaining, and the deposit reveals an appreciable amount of original computer code; or the first and last 10 pages or equivalent units of source code alone with no blocked-out portions; or the first and last 25 pages of object code, together with any 10 or more consecutive pages of source code with no blocked-out portions; or for programs consisting of or less than 25 pages or equivalent units, source code with all trade secret portions blocked-out, provided that the blocked-out portions are proportionately less than the material remaining, and the deposit reveals an appreciable amount of original computer code.
(B) Where the program contains trade secret material, the page or equivalent unit containing the copyright notice, if any, plus one of the following: the first and last 25 pages or equivalent units of source code with portions of the source code containing trade secrets blocked-out, provided that the blocked-out portions are proportionately less than the material remaining and the deposit reveals an appreciable amount of original computer code. Whatever method is used to block out trade secret material, at least an appreciable amount of original computer code must remain visible.
(C) Where registration of a program containing trade secrets is made on the basis of an object code deposit the Copyright Office will make registration only if it has determined under its rule of doubt and warn that no determination has been made concerning the existence of copyrightable authorship.
(D) Where the application to claim copyright in a computer program includes a specific claim in related computer screen displays, the deposit in addition to the identifying portions specified in paragraph (c)(2)(vii)(A) of this section, shall consist of:
(I) Visual reproductions of the copyrightable expression in the form of printouts, photographs, or drawings no smaller than 2 x 2 inches and no larger than 9 x 12 inches; or
(2) If the authorship in the work is predominantly audiovisual, a one-half inch VHS format videotape reproducing the copyrightable expression, except that printouts, photographs, or drawings no smaller than 3x3 inches and no larger than 9x12 inches must be deposited in lieu of videotape where the computer screen material simply constitutes a demonstration of the functioning of the computer program.

Ralph Oman,
Register of Copyrights
Approved by:
Donald C. Curran,
Acting Librarian of Congress
[FR Doc. 89-7715 Filed 3-30-89; 8:45 am]
BILLING CODE 1410-07-M

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May 1989 - 5,000