

## RENEWAL REGISTRATION

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## RENEWAL REGISTRATION

### 2101 What This Chapter Covers

This Chapter covers renewal registration of works that fall under the provisions of the Copyright Renewal Act of 1992, *i.e.*, works that secured copyright by registration or publication between 1964 and 1977, inclusive. The purposes are:

- To provide an overview of the renewal system and the effects of the [Copyright Renewal Act of 1992](#) on renewal registration;
- To provide guidance to the public and U.S Copyright Office staff in registering renewal claims under [Section 304\(a\)](#) of Title 17, as amended by the Copyright Renewal Act of 1992; and
- To explain Office policy regarding certain copyright matters as they relate specifically to renewal registration.

This Chapter is divided into eight parts:

- **Part I** provides an overview of the renewal system as it evolved from 1909 to 1992. [Start here](#) to read about the terms of copyright and renewal provisions of the Copyright Act of 1909 and how they evolved.
- **Part II** explains the impact of the Copyright Renewal Act of 1992 on renewal registration in general. [Start here](#) to read about this amendment and how it affects renewal registration.
- **Part III** explains renewal registration requirements in general and how to complete [Form RE](#) or [Form RE/Addendum](#). [Start here](#) for an overview of renewal registration requirements, or how to complete Form RE and Form RE/Addendum.
- **Part IV** explains renewal registration requirements for works that were not registered for the original term. [Start here](#) to read about the renewal registration requirements for a particular type of work.
- **Part V** discusses several broad copyright matters as they relate to renewal registration. [Start here](#) to read about how the [manufacturing clause](#) affects renewal registration, issues related to [joint works](#) or [published collections](#), or what to do when an original registration record contains an error.
- **Part VI** discusses post renewal registration issues. [Start here](#) for information about amending a renewal registration record, or filing a renewal claim in a work for which a renewal registration is already on record.
- **Part VII** discusses restoration of copyright under the [Uruguay Round Agreements Act](#) (“[URAA](#)”) in foreign works whose restored copyrights are governed by the Copyright Act of

1909. [Start here](#) for information about foreign works that are not eligible for renewal registration but may be eligible for registration under the URAA.

- **Part VIII** contains a glossary of terms. [Start here](#) to find an explanation of terms related to renewal registration.

**NOTE:** The definitions provided in the glossary only apply to this Chapter.

## PART I GENERAL BACKGROUND

### 2102 Copyright Renewal

The [Copyright Act of 1909](#) provided for two consecutive terms of copyright: an original term lasting for twenty-eight years from the date copyright was secured, followed by a renewal term of twenty-eight years. An Act to Amend and Consolidate the Acts Respecting Copyright, Pub. L. No. 60-349, §§ 23-24, 35 Stat. 1075, 1080 (1909) (“Copyright Act of 1909”).

The original term began on the date of publication or registration (if registered as an unpublished work) and ended on the twenty-ninth anniversary date of publication or registration as an unpublished work. The renewal term began on the day following the twenty-ninth anniversary date and was to end on the fifty-seventh anniversary date of publication or registration as an unpublished work. However, as the earliest works that secured copyright under the Copyright Act of 1909 came to the end of their renewal terms, Congress enacted a series of extension acts to ensure the renewal terms would not expire before the current law took effect on January 1, 1978. These interim extension acts affected works still in their renewal terms whose copyright protection began between September 19, 1906 and December 31, 1918. Without these interim extensions, copyrights commencing during those years would have expired after fifty-six years. See [Copyright Law of the United States of America and Related Laws Contained in Title 17 of the United States Code \(Circular 92\)](#), ch.3, n.7. The final extension came with the Transitional and Supplementary Provisions of the [Copyright Act of 1976](#). Pub. L. No. 94-553, app. A, tit. I, § 102, 90 Stat. 2541 (1976).

To extend copyright into the renewal term, two registrations had to be made before the original term expired, one for the original term and the other for the renewal term. Registration for the original term could be made at any time during the original term; renewal registration had to be made during the last year of the original term. This period for renewal registration is referred to as the [renewal filing period](#).

The [Copyright Act of 1976](#) retained the two-term system of the Copyright Act of 1909 for works in their original or renewal term of copyright on January 1, 1978, the effective date of the Copyright Act of 1976. It also retained the requirement that a renewal claim had to be registered with the U.S. Copyright Office during the last year of the original term to extend copyright into the renewal term. However, it extended the renewal term from twenty-eight years to forty-seven years for all works still in their original term as of the effective date of the Act, and provided that

copyrights in their renewal term before January 1, 1978 would subsist for seventy-five years.<sup>1</sup> 17 U.S.C. §§ 304(a), (b) (1976). It also provided that all copyright terms would extend to the end of the calendar year in which they would otherwise expire. *Id.* § 305. Two subsequent amendments to the Copyright Act of 1976 modified these renewal term provisions:

The **Copyright Renewal Act of 1992**, Pub. L. No. 102-307, 106 Stat. 164, effective June 26, 1992, made renewal registration during the last year of the original term optional for works still in their original term as of that date, that is, works that secured copyright between January 1, 1964 and December 31, 1977, inclusive. Under this amendment, copyright extends into the renewal term automatically, regardless of whether an original or renewal registration was made before the original term expired. It also provides for renewal registration during the entire renewal term. **17 U.S.C. § 304(a)**. For more information about this amendment, see **Part II**.

The Sonny Bono Copyright Term Extension Act, Pub. L. No. 105-298, 112 Stat. 2827, effective October 27, 1998, further extended the renewal term by twenty years (from forty-seven years to sixty-seven years) for all works that secured copyright under the Copyright Act of 1909 and were still under copyright protection as of the effective date of the amendment. **17 U.S.C. § 304(b)**.

## PART II THE COPYRIGHT RENEWAL ACT OF 1992

### 2103 Intent, Purpose, and Impact on Renewal Registration

The Copyright Renewal Act of 1992 (“Renewal Act”) substantially amended the current law with regard to renewal registration. Pub. L. No. 102-307, 106 Stat. 164, effective June 26, 1992. Among other issues, it sought to bring registration requirements for works still in their original term in 1992 (*i.e.*, works published, or registered as unpublished works, from 1964 through 1977) more in line with registration requirements for works governed by the current copyright law. For such works, the act made original and renewal registration optional for statutory protection to extend into the renewal term. However, to encourage authors and proprietors to continue to register their works for the original term and make timely renewal registrations, it provided certain benefits for **timely renewal registration**. See Section **2107**.

The act also provided for registration at any time while a work is under copyright, including the renewal term. This means a renewal claim can be registered at any time from the last year of the original term through the renewal term, regardless of whether a registration was made for the original term before that term expired.

Finally, to make the renewal registration record more useful to the public, the act provided within the renewal registration record itself a more efficient means of identifying the current owner of the renewal copyright at the time of registration where renewal title may have changed from its point of initial **vesting**.

<sup>1</sup> **17 U.S.C. § 304(b)** took effect on October 19, 1976 under the Transitional and Supplementary Provisions of the *Copyright Act of 1976*. Pub. L. No. 94-553, app. A, tit. I, § 102, 90 Stat. 2541 (1976).

## 2104 Affected Works

The Renewal Act affects works that were still in their original term of copyright at the time it took effect on June 26, 1992, *i.e.*, works published or registered as unpublished works from January 1, 1964 through December 31, 1977.

**NOTE:** The act does not apply to such works when they were first published with a year date in the copyright notice that is earlier than 1964. For information on how an antedated year date in the copyright notice affects the term of copyright, see Section [2115.2\(b\)](#).

## 2105 Registration for the Original Term Is Not Required

Before the Renewal Act, a published work had to be registered for the original term before that term expired, and a renewal claim had to be filed during the last year of that term to extend copyright into the renewal term. A copyright claim for the original term could be filed simultaneously with a renewal claim, but the renewal claim was held until the original registration was completed so the renewal registration could cite the original registration record.

*Exceptions:* An original registration was not required for **U.C.C. works**, but a renewal claim had to be filed during the last year of the original term. Also, an original registration for a contribution first published in a collection was not required to register a renewal claim in the contribution.

The Renewal Act extended copyright protection into the renewal term regardless of whether the work was registered for the original or renewal term. When no registration was made for the original term, a **renewal with addendum registration** is required to demonstrate that the work as first published complied with all requirements of the Copyright Act of 1909 with respect to the existence, ownership, or duration of the copyright.

## 2106 Renewal Registration Before Expiration of Original Term Is Optional

Before the Renewal Act, renewal registration could only be made during the last year of the original term and was required to extend copyright into the renewal term. Under this act, renewal registration during the last year of the original term is optional. However, to encourage authors and proprietors to continue to do so, the act provides benefits for **timely renewal registration**.

**NOTE:** The last day when a timely renewal registration could be received was Tuesday, January 3, 2006, the first day of business following Saturday, December 31, 2005, when the original term ended for works that secured statutory copyright in 1977.

## 2107 Benefits Secured by Timely Renewal Registration

The Renewal Act provides the following benefits for **timely renewal registration**:

- The certificate of renewal registration constitutes *prima facie* evidence as to the validity of the copyright during its renewal term, and of the facts stated in the certificate.
- A **derivative work** made before the expiration of the original term of copyright under the authority of a grant of a transfer or license of copyright cannot continue to be used under

the terms of the grant during the renewal term without the authority of the owner of the renewal copyright.

- The timely renewal registration determined in whom the renewal copyright would vest upon the beginning of the renewal term. For a discussion of this issue, see Section [2115.5\(D\)](#).

## 2108 Renewal Registration Is Possible Through Renewal and Extended Terms

An application to register a renewal claim may be filed “within 1 year before the expiration of the original term of copyright” and “at any time during the renewed and extended term.” [17 U.S.C. § 304\(a\)\(3\)\(A\)](#).

## 2109 Benefits of Renewal Term Registration

**Renewal term registration** does not secure the benefits secured by **timely renewal registration**. However, such registration is required to proceed with an infringement case when a work was not registered for the original term. It also provides information about the party in whom the renewal copyright **vested** at the beginning of the renewal term, and may provide information about the **current owner** of the renewal copyright.

# PART III RENEWAL TERM REGISTRATION

This Part focuses on how to register a renewal claim after the renewal copyright has **vested**. It explains basic requirements and the steps to take before submitting a renewal claim. Section [2115](#) discusses **Form RE**, explaining the information that should be provided and how to complete the application. Section [2116](#) discusses **Form RE/Addendum**, explaining the additional requirements for published works that were not registered for the original term and how to complete the application.

## 2110 Registration Requirements and Procedures

Registration requirements for **renewal term registration** depend on whether a work (or larger work) was registered for the original term. Therefore, this is the first fact that must be determined when filing for renewal registration. When a work was not registered for the original term, the applicant must provide information and material that show the work met all statutory requirements to secure (or maintain) copyright for the full original term.

## 2111 Work (or Larger Work) Registered for Original Term

This Section discusses the registration requirements that apply to both published and unpublished works that were registered for the original term.

### 2111.1 Form RE

When completing **Form RE**, the applicant should cite the registration number and other information from the original registration record. The application should be signed by a **vested owner** or the **assignee** or **successor**, or an authorized agent of any of these parties.

### 2111.2 Complete Filing Fee

The appropriate filing fee should accompany Form RE. A renewal claim cannot be processed without the complete filing fee. The current fee is set forth in the U.S. Copyright Office's **fee schedule** under the heading "Form RE."

### 2111.3 Deposit Requirement

Generally, a deposit copy is not required for a renewal registration, because the required deposit materials were sent to the U.S. Copyright Office at the time of original registration.

*Exception:* In some cases, as when a renewal claim is filed in a contribution or separate work or element of authorship first published in a larger work, the Office may request **examining material** that shows the nature and contents of the work being registered or of the larger work.

## 2112 Work (or Larger Work) Not Registered for Original Term

This Section discusses the registration requirements that apply to published works that were not registered for the original term.

### 2112.1 Form RE and Form RE/Addendum

**Form RE** should be accompanied by **Form RE/Addendum**, and both forms should be signed by authorized parties.

*Exception:* Multiple submissions of Form RE may be accompanied by a single Form RE/Addendum when renewal claims are filed simultaneously for multiple **contributions** by the same individual author first published in a single issue of a **periodical** or **collection**, and the periodical or collection bore only a general copyright notice.

### 2112.2 Two Filing Fees—One for Each Form

There is a separate filing fee for Form RE and Form RE/Addendum, and both fees must be paid in full. The current fee is set forth in the U.S. Copyright Office's **fee schedule** under the heading "Addendum to Form RE (in addition to fee for claim)."

### 2112.3 Deposit Material Required

When a work (or larger work) was not registered for the original term, deposit material is required. In general, one complete copy or phonorecord of the work as first published is required. For more information about the deposit requirements, see Section [2116.5\(A\)](#).

**NOTE:** Deposit material is also required when registration is based on the first publication of a work that was registered before 1978 as an unpublished work. For more information about deposit requirements for such works, see Section [2116.5\(E\)](#).

### 2113 Not Known if Work (or Larger Work) Was Registered for Original Term

Generally, a Form RE/Addendum is appropriate only when a work (or the larger work) was not registered for the original term. If it is not known whether the work was registered for the original term, a search of the U.S. Copyright Office's registration records should be conducted before the renewal claim is filed. When a renewal claim is filed prior to a search being done, the Office may advise the applicant to conduct a search before proceeding with registration. For information about investigating the copyright status of a work, see [How to Investigate the Copyright Status of a Work \(Circular 22\)](#), and [The Copyright Card Catalog and the Online Files of the Copyright Office \(Circular 23\)](#). For more information about the administrative classifications for pre-1978 registration records, see [U.S. Copyright Office, Administrative Classifications: 1870-1978](#).

### 2114 Establishing Eligibility for Published Works Not Registered for the Original Term

When a work was not registered for the original term, certain information must be provided to establish eligibility for renewal term registration. Factors that may determine eligibility include:

- **First publication** between 1964 and 1977.

**NOTE:** For information about renewal registration for the first published edition of a work registered as an unpublished work between 1964 and 1977, see Section [2115.2\(E\)](#).

- First publication with the statutory<sup>2</sup> or **U.C.C. notice**, with all copies or **phonorecords** distributed in the United States until March 1, 1989 bearing an acceptable copyright notice.<sup>3</sup>
- The author's **nationality** and place of **domicile** at the time of **first publication**.
- The place of first publication.

**NOTE:** Generally eligibility under the Copyright Act of 1909 is based on the nationality and domicile of the author at the time, rather than the place, of first publication. In certain cases,

<sup>2</sup> For information concerning notice requirements for works published before 1978, see [37 C.F.R. § 202.2](#).

<sup>3</sup> For information concerning notice requirements for works first published between January 1, 1978 and March 1, 1989, see [Copyright Notice \(Circular 3\)](#).

however, the place of publication may be the deciding factor, for example, when the work (or the larger work) was:

- First published in the **United States** and it was subject to the **manufacturing clause**; or
  - Created by an author, other than a **U.S. author**, and first published in a **U.C.C. country**; or
  - Published simultaneously in the United States.
- The manufacturing clause.
  - Registrability of subject matter. While Section 4 of the **Copyright Act of 1909** stated that copyright may be secured for “all the writings of an author,” not all works were registrable. Copyright Act of 1909, **Pub. L. No. 60-349, § 4, 35 Stat. 1075, 1076 (1909)**.<sup>4</sup> As enacted in 1909, Section 5 provided for eleven classes of registrable works. *Id.* § 5, 35 Stat. at 1076-77.<sup>5</sup> Within these classes, only certain classes could be registered prior to publication. *Id.* § 11, 35 Stat. at 1078.<sup>6</sup>

## 2115 Renewal Registration Requirements—Form RE

This Section explains the information that should be provided on **Form RE**. If the work was registered for the original term, Form RE should include facts from the original registration record. If the work was not registered for the original term, Form RE should state the facts as they existed at the time of **first publication** and should be accompanied by **Form RE/Addendum**. The most recent version of Form RE, as posted on the U.S. Copyright Office’s **website** should be completed for all **renewal term registrations**.

### 2115.1 Title Information

This space on Form RE should identify the work in which the renewal copyright is claimed. The complete title as first published, or as given in the original registration record is required.

#### 2115.1(A) Additional Identifying Information for Periodicals

When seeking a renewal registration for a periodical, the volume, number and issue date, if any, is required.

4 See also *U.S. Copyright Office, Study No. 3: The Meaning of “Writings” in the Copyright Clause of the Constitution (1956)*.

5 This section was expanded in 1912 to include motion-picture photoplays and motion-pictures other than photoplays, and again in 1971 to include sound recordings. Pub. L. No. 62-303, ch. 356, 37 Stat. 488, 488-89 (1912); Pub. L. No. 92-140, § 1, 85 Stat. 391, 391 (1971). For information concerning architectural works, choreographic works, and computer programs, see Sections **2121.6**, **2122.3**, and **2120**, respectively.

6 This section was expanded in 1912 to include motion pictures.

**2115.1(B) Contribution to a Periodical or Published Collection**

When seeking a renewal registration for a contribution to a periodical or published collection, the title of the contribution and the title and identifying information (if any) of the periodical or published collection is required.

**2115.1(C) New or Alternative Title for Published Work**

If the work has been published or reissued under a different title than the title given in the original registration record the new title may be provided as an alternative title.

**2115.2 Original Term Information**

This space of Form RE should provide information about certain facts in the original registration record, or the facts as they pertain to the original term, if the work was not registered for the original term.

**2115.2(A) Publication Date**

If the work was published, the complete **date of first publication** (month/day/year) is required.

**2115.2(B) Antedated Year Date(s) in Copyright Notice**

When a work was **first published** with a year date in the copyright notice that was earlier than the year of first publication, the term of copyright is determined by the year date in the copyright notice, rather than the year of first publication. Likewise, when a work is published with multiple year dates in the copyright notice, the year dates may affect the term of copyright. Multiple year dates in a copyright notice also indicate that an earlier version or a portion of the work was previously published. Therefore, all antedated year date(s) in the copyright notice(s) should generally be cited in the certificate of renewal registration and renewal registration record. For more information about the effect of publication with antedated and multiple year dates in the copyright notice, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

**2115.2(B)(1) Original Registration Record Cites Antedated Year Date(s) in Copyright Notice**

If the original registration record cites antedated year date(s) in the copyright notice, the applicant should include these year dates in Form RE.

**2115.2(B)(2) Antedated Year Date(s) in Copyright Notice in Deposit Copy**

When a work is registered for the first time during the renewal term and it contains a year date in the copyright notice that is earlier than the year of first publication, the U.S Copyright Office will inquire about the facts of first publication and whether the deposit material represents the

work as first published. When a work contains multiple year dates in the copyright notice or multiple copyright notices with antedated year date(s), the Office also will inquire about whether the work or portions of it were previously published. The applicant should cite all antedated year dates in Form RE.

### **2115.2(C) Post-Dated Year Date in Copyright Notice**

When a work was first published with a year date in the copyright notice that is later than the year of first publication, there may be serious consequences for renewal registration. The U.S. Copyright Office's action will depend on whether the year date is post-dated by one year or more. For more information about the effect of publication with a post-dated year date in the copyright notice, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

#### **2115.2(C)(1) Year Date Is Post-Dated by One Year**

When the renewal claim is based on an original registration record that cites a post-dated year date in the notice, the Office will notify the applicant about the citation in the original registration record. In addition, the Office will add an annotation to the certificate of renewal registration and a note in the renewal registration record regarding the post-dated year date.<sup>7</sup> When a work is being registered for the first time during the renewal term the Office will inquire about the facts of publication. If the applicant confirms the publication facts, the certificate of renewal registration and renewal registration record should cite the post-dated year date.

#### **2115.2(C)(2) Year Date Is Post-Dated by More Than One Year**

When a work was first published with a year date in the copyright notice that is more than one year post-dated, the work is considered to have been first published without a copyright notice. In such cases, renewal registration is not possible.

### **2115.2(D) Registration Date for Unpublished Works**

The complete date of registration is required for all works registered before 1978 as unpublished works. The registration date is the date when the last element (application, copy, filing fee) was received in acceptable form in the U.S. Copyright Office.<sup>8</sup>

<sup>7</sup> This policy took effect in 2012 and represents a change from the longstanding Office practice not to note a post-dated year date on the certificate of renewal registration or in the renewal registration record. Before 1978, post-dated year dates were annotated in the original registration record, but not on the certificate of registration. Since 1978, a post-dated year date was not generally noted on either the certificate or original registration record.

<sup>8</sup> Not all corrections or omissions on an application resulted in stamping the later receipt date. However, when the later receipt date is stamped, that date supersedes the original date of receipt in determining the effective date of registration.

**2115.2(E) Original Copyright Claimant**

Statutory copyright was secured either by publication with notice in the name of the proprietor identified in the copyright notice, or by registration as an unpublished work in the name of the party identified as the copyright claimant in the registration record. Therefore, Form RE should name the proprietor(s) identified in the copyright notice (if the work was not registered for the original term), or the copyright claimant(s) named in the original registration record.

*Exception:* For information concerning works first published abroad, see Section **2115.2(E)(2)**.

**2115.2(E)(1) Work Registered for Original Term**

If the work was registered for the original term, the complete name(s) of the **original copyright claimant(s)** as given in the original registration record is required.

**2115.2(E)(2) Published Work Not Registered for Original Term**

If a published work was not registered for the original term, the complete name(s) of the proprietor(s) as identified in the copyright notice is required. If the work is a **contribution** or a **separate work or element of authorship** first published with its own separate copyright notice, Form RE should name the proprietor identified in the separate notice.

*Exception:* When the work was first published abroad, the applicant generally should name the owner of the right to secure U.S. copyright on the date of first publication. However, in certain cases it may be necessary or acceptable to name the proprietor identified in the notice. For more information about who should be named as the original copyright claimant, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

*Exception to exception:* For works subject to the **manufacturing clause**, the renewal claim must name the proprietor identified in the copyright notice, unless the work was published with the **U.C.C. notice**.

**2115.2(F) Ad Interim Copyright Information**

A renewal claim based on an *ad interim* registration record must provide information about the registration for the subsequent U.S. edition. Otherwise, renewal registration generally will be refused.

*Exceptions:*

- If **ad interim copyright** was subsisting when the country of the author's nationality joined the **U.C.C.**, the work did not have to be manufactured and published in the United States

to secure the full original term of copyright<sup>9</sup> Copyright Act of 1909, amended by **Pub. L. No. 83-743, § 9(c), 68 Stat. 1030, 1031 (1954)**.

- Likewise, when *ad interim* copyright subsisted, or was capable of being secured on December 31, 1977 (*i.e.*, works first published between July 1 and December 31, 1977, inclusive) copyright was extended to the full original term of copyright under the transitional provisions of the **Copyright Act of 1976**.<sup>10</sup>
- Finally, even when the two exceptions listed above do not apply, renewal registration may still be possible if the work was manufactured and published in the United States while *ad interim* copyright subsisted, but no registration was made for the U.S. edition. In this last situation a renewal registration for the U.S. edition must be made before a renewal registration can be made for the foreign edition that secured *ad interim* copyright. This requirement ensures that the full original term of copyright was secured through compliance with the **manufacturing clause**.

When a renewal claim is based on the original registration record for the U.S. edition of a work that was subject to the manufacturing clause and secured *ad interim* copyright for the foreign edition, the certificate of renewal registration and renewal registration record must refer to the *ad interim* registration because the term of copyright is determined by the date of first publication abroad, and the renewal registration in the U.S. edition must be limited to the revisions or additions in the U.S. edition, unless both editions were identical. In such cases, the U.S. Copyright Office will add an annotation to the certificate of renewal registration and a note in the renewal registration record regarding the *ad interim* registration record.

**NOTE:** A renewal claim in the U.S. edition of a work subject to the manufacturing clause for which *ad interim* copyright was not secured, or in a U.S. edition that was manufactured and published after *ad interim* copyright expired must be limited to revisions or additions in the U.S. edition. If the editions are identical, renewal registration for the U.S. edition is not possible. For more information about registration requirements for works subject to the **manufacturing clause**, see Section 2124.

### 2115.2(G) Supplementary Registration Information

When a renewal claim is based on an original registration record that was corrected or amplified by a **supplementary registration**, the renewal claim should provide the registration number(s) and effective date(s) of the supplementary registration(s). For a discussion about how information added to an original registration record by supplementary registration may affect renewal registration, see Section 2131.

- 9 “For this purpose, *ad interim* copyright was subsisting...if a claim to *ad interim* copyright had actually been registered on or before the effective date. It was not subsisting if the work was published more than six months before the effective date or was published within six months before the effective date but without the **U.C.C. notice**. Where a work was published within six months before the effective date and bore a U.C.C. notice, the case will be treated as though an *ad interim* copyright was subsisting in the work on the effective date...” *Compendium (First)* § 8.4.6.III.b.
- 10 Pub. L. No. 94-553, app. A, tit. I, § 107, 90 Stat. 2541 (1976) (Transitional and Supplementary Provisions of the **Copyright Act of 1976**).

### 2115.3 Work or Material Claimed Information

This space of Form RE describes the extent of a renewal claim, *i.e.*, it describes the material that is the subject matter of the renewal claim.

#### 2115.3(A) Entire Work

This option is appropriate when the renewal copyright in the work as a whole **vested** in the same party(ies) on the same date. It generally applies to **unitary works** by an **individual** or **proprietary author** or to **joint works**. It also may apply to **composite works**. When a renewal claim extends to the entire work, except for some material previously published or registered, a statement excluding such material should be added to this option to clarify the extent of the claim in the work as a whole.

#### 2115.3(B) Contribution to a Periodical or Published Collection

This option is appropriate when the claim to the renewal copyright is limited to a separate, distinct work of authorship first published in a **periodical** or **collection**, such as a textual article or a photograph.

#### 2115.3(C) Revisions / New Material in a Derivative Work

This option is appropriate when the claim to the renewal copyright is limited to a new version, or to new material added to a previously published or registered work.

#### 2115.3(D) Separate Work or Element of Authorship First Published in Larger Work

This option is appropriate when a separate, distinct **work or element of authorship** within a larger work is owned separately from the larger work for the renewal term. Such a work is often adjunct (*e.g.*, a foreword or annotated bibliography) or auxiliary (*e.g.* photographs in a biography) to the larger work as a whole, or it may be a separate work or element within a work that does not constitute joint authorship (*e.g.* illustrations in a children's book). It is not applicable to **composite works** that consist of inseparable contributions, or to component elements of a **unitary work**, such as a motion picture.

#### 2115.3(E) Based on First Publication of a Work Registered as an Unpublished Work

This option is appropriate when the sole basis of renewal registration is to register a renewal claim in the published edition of a work that secured statutory copyright under the Copyright Act of 1909 by registration as an unpublished work. Generally, it applies only to certain works of the visual and performing arts that could be registered as unpublished works,<sup>11</sup> but it also may apply to nondramatic literary works prepared for oral delivery, presentation, or performance

<sup>11</sup> For information concerning the classes of works that could be registered under the 1909 Act, see Section [2114](#) and [footnote 6](#).

when such works were registered for the original term as unpublished works. When a renewal registration is based on this option, the registration number and effective date of the original registration record for the unpublished work are required because the registration established the copyright term and the **vesting date** of the renewal copyright, regardless of the date of first publication. See Section **2115.2(D)**.

Renewal registration on this basis is possible only when the copyright secured by the registration of the unpublished work was still in effect at the time of first publication, it was maintained by the published edition, and it is still subsisting at the time of renewal registration. To maintain the copyright secured by the original registration for the unpublished work, a work first published before January 1, 1978 had to meet the statutory requirements of the Copyright Act of 1909. Works first published between January 1, 1978 and March 1, 1989 had to meet the statutory requirements of the Copyright Act of 1976, as enacted at the time of first publication. **Works of foreign origin** also had to meet eligibility criteria as of the date of first publication.

**NOTE:** A renewal claim based on first publication cannot be combined with a renewal claim in new material added to the published edition because the **vesting date** of the renewal copyright in the work as first published was determined by the original registration for the unpublished work, whereas the vesting date of the renewal copyright (if any) in the new material was determined by the date of first publication.

**NOTE:** When a work was registered as an unpublished work before 1978, a new basic registration for the work as first published is not appropriate because the original term of copyright that was secured by registration has expired.

#### **2115.4 Author Information**

This space of **Form RE** identifies the party(ies) who created, or caused to be created, the work or material claimed. When the party is a person who created the work in his or her personal capacity, the party is referred to as an **individual author**. When the party is an organization or an employer, the party is referred to as a **proprietary author**, and the work is considered to be a **proprietary work**.

In addition to identifying the author, this space of Form RE provides information regarding an author's **nationality** and **domicile**, year of death, and contribution to certain classes of works when this information is required to make a complete and accurate renewal registration record.<sup>12</sup>

##### **2115.4(A) Full Legal Name or as Given in the Original Registration Record**

Generally, Form RE should provide the full legal name(s) of the author(s) at the time of creation or, if the work was registered for the original term, the names(s) as given in the original registration record.

For an exception to this rule, see Section **2119.2**.

<sup>12</sup> Providing the nationality and domicile for the author of such works represents a policy change that took effect with the amendment of Form RE.

**2115.4(A)(1) Pseudonymous and Anonymous Works**

When a work is **pseudonymous** or **anonymous**, the legal name of the individual author is not required, unless it was provided in the original registration record.<sup>13</sup> If the pseudonym was provided in the original registration record, it should be given and identified as such in the renewal registration record. When a pseudonymous or anonymous work was not registered for the original term, the **nationality** and **domicile** of the author at the time of **first publication** is required to establish eligibility. In addition, the author of a pseudonymous work must be identified by providing the author's legal name, the author's pseudonym, or both.

**NOTE:** While the legal name of the author is not required for pseudonymous or anonymous works, by identifying the individual author the certificate of renewal registration and renewal registration record provides the critical fact that determines the party in whom the renewal copyright **vested**.

**2115.4(A)(2) Works Made for Hire**

The employer for hire should be identified by the employer's full legal name at the time of creation. If the work is being registered for the first time during the renewal term, the individual who was employed or hired to create the work may be named as the employee if this individual is identified on the deposit copy.

**2115.4(A)(3) Posthumous Works**

A deceased author should be identified by the author's full legal name.

**2115.4(A)(4) Composite Works**

The **proprietary author** should be identified by the full legal name at the time of creation, unless the renewal claim is based on an original registration record that did not identify the author. See Section **2115.4(A)**.

**2115.4(A)(5) Joint Works**

All authors who contributed to the joint work as a whole should be identified.

**2115.4(B) Year of Death**

When an individual author is deceased at the time of renewal registration, the year of death is required.

<sup>13</sup> This provision represents a change of policy that occurred with the publication of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Previously, the U.S. Copyright Office required the legal name of at least one author to establish eligibility.

**2115.4(C) Nationality and Domicile**

Eligibility for renewal registration generally depends on the **nationality** and **domicile** of the author at the time of **first publication**.

**NOTE:** This information is required in Form RE for the author of a **contribution** to a periodical or published collection (or of a separate **work or element of authorship** in a larger work) when the renewal claim is based on an original registration record for, or on a general copyright notice for, the periodical, collection, or larger work.

**2115.4(D) When Authorship Statement Is Required**

An authorship statement is generally required when given in the original registration record or when the extent of the renewal claim, or the contribution of an author, is not clear from other information provided in Form RE.

**2115.5 Vested Owner Information**

This space of Form RE provides information about the party in whom the renewal copyright **vested**, and may provide information regarding ownership of the renewal copyright at the time of registration. At least one party must be identified as a **vested owner** and an acceptable statement must be provided as to the statutory basis for that vested owner's claim to the renewal copyright. Generally, the vested owner is a **statutory renewal claimant**, but for information concerning the effect of a **timely renewal registration**, see Section **2115.5(D)**. While the **vesting date** generally has not been given in Form RE,<sup>14</sup> it is the first fact that has to be determined in order to identify the parties entitled to claim the renewal copyright.

**2115.5(A) Determining When the Renewal Copyright Vested**

For purpose of **renewal term registration**, the renewal copyright vested on the first day of the renewal term. For works that secured copyright from 1950 through 1977, the renewal term began on January 1st of the 29th year following the effective date of registration as an unpublished work or the date of first publication.

*Exception:* When a work was first published with an earlier year date in the copyright notice, the renewal copyright vested on January 1 of the 29th year from the year date in the copyright notice. See Section **2115.2(B)**.

Generally the **vesting date** is clear, but when the facts of first publication are not known, or a work was first published with multiple year date(s) in the copyright notice, or when an error or omission in an original registration record calls into question when the original term began or ended, it may be difficult to determine the vesting date. When it appears that the renewal ownership information may be premised on an inaccurate vesting date, the U.S. Copyright Office

<sup>14</sup> Before 2007 (when Form RE was revised), renewal claims filed on behalf of a current owner provided the name of the vested owner and the vesting date in the basis of claim statement.

will notify the applicant, and will refuse registration unless the discrepancy is resolved. Likewise, when an applicant is unable to determine when the renewal copyright vested, the Office will refuse renewal registration. If the vesting date is disputed, see Section 2137.

### 2115.5(B) Determining the Party in Whom the Renewal Copyright Vested

Certain parties are entitled by law to claim the renewal copyright. Generally, the U.S. Copyright Office will not question the identity of the **vested owner** or the statutory basis of a renewal claim when this information is consistent with the author facts in the original registration record or in the deposit copy, or with other facts available at the time of renewal registration. When the vested owner is not identified, the statutory basis is not given, or this information is unclear, the Office will request written verification from the applicant to clarify the party in whom the renewal copyright vested and the statutory basis. When the statutory basis is inconsistent with the author facts in the original registration or the deposit copy, see Section 2134. If the identity of the vested owner or the statutory basis of the renewal claim is in dispute, see Section 2137.

**NOTE:** The renewal copyright cannot vest in a deceased person or defunct organization. To be named as a **vested owner**, a person must have been alive, or an organization must have been in existence, on the date the renewal copyright vested.

The Office does not generally search its records to verify whether the party named as the vested owner was alive or in existence when the renewal copyright vested. However, if the Office is aware that a renewal claim fails to identify a valid owner, or provide a valid statutory basis for claiming the renewal copyright, the renewal claim will be refused. For example, the Office will refuse to register a renewal claim that identifies an author as a vested owner, when the author's year of death precedes the vesting date.

### 2115.5(C) Parties Entitled to Claim the Renewal Copyright

Generally, the right to claim the renewal copyright flows from the **individual author**. However, for **proprietary works**, the right flows from the **original copyright claimant**.

#### 2115.5(C)(1) Personal Works

An **individual author** is entitled to claim the renewal copyright if the author is still alive on the last day of the original term or, if a **timely renewal registration** was made, on the effective date of the renewal registration. Otherwise, the following parties are entitled in this order:

- If there is a widow or widower or surviving child or children of the deceased author, the **widow or widower** and any surviving **child or children** may claim.
- If there is no widow or widower or surviving child, but the author left a will, then the **executor** named in the author's will may claim on behalf of the legatees.

**NOTE:** If an author died during the original term without a widow or widower or surviving child, and the author's will failed to name an executor, or the executor died, or the executor was no longer acting in that capacity on the last day of the original term, the administrator (**administrator c.t.a.** or **administrator d.b.n.c.t.a.**) may be named as the **vested owner** on

behalf of the legatees. In no case is the administrator of an intestate author's estate entitled to claim the renewal copyright.

- If there is no widow or widower or surviving child and the author died intestate, the person recognized by state law as the **next of kin** of the deceased author may claim.

*Exception:* Next of kin are not entitled to claim the renewal copyright when an author left a will without naming an **executor** and an **administrator c.t.a.** or **administrator d.b.n.c.t.a.** was acting in this capacity on the last day of the original term (or on the effective date of a **timely renewal registration**). See *Gibran v. National Committee of Gibran*, 255 F.2d 121, 122 (2d Cir. 1958).

### 2115.5(C)(2) Proprietary Works

The law provides four exceptions to the general rule that the **individual author** (or the author's heirs as described above) is entitled to claim the renewal copyright. For the following types of works, the **proprietor** of copyright on the last day of the original term (or on the effective date of a **timely renewal registration**) may claim the renewal copyright:

- **Works made for hire.** The exception that entitles “an employer for whom such work is made for hire” was created to make it possible for a **proprietary author** (the employer) to claim the renewal copyright in a work created at its “instance and expense.”<sup>15</sup>

**NOTE:** Generally for this exception to apply, the **original copyright claimant** must have secured copyright by virtue of employing the creator, rather than through any transfer of rights after the work was completed. When a renewal claim indicates that the work was not “copyrighted” by the employer (*i.e.* the employer transferred the common law property to a third person prior to publication or registration as an unpublished work), the U.S. Copyright Office will advise the applicant about this situation and request confirmation that the facts of authorship are accurately stated.

- **Composite works.** The purpose of this exception was to provide the proprietor the means of renewing the copyright when, as a practical matter, there were too many authors to join in the renewal claim. To be an acceptable basis for a renewal claim, the work must meet the criteria for composite works.
- **Posthumous works.** This exception as set forth in the Copyright Act of 1909 allows the proprietor to claim the renewal copyright when a work was first published after the death of the author.

**NOTE:** For a proprietary author to be entitled to claim the renewal rights in a work published after an author's death, other factors should be taken into consideration. See *Bartok v. Boosey*

<sup>15</sup> This phrase comes from court decisions regarding works made for hire under the Copyright Act of 1909. See, e.g., *Yardley v. Houghton Mifflin Co.*, 108 F.2d 28, 31 (2d Cir. 1939) (discussing purposes and expense); *Brattleboro Publishing Co. v. Winnill Publishing Corp.*, 369 F.2d 565, 567 (2d Cir. 1966); *Picture Music, Inc. v. Bourne, Inc.*, 457 F.2d 1213, 1216 (2d Cir. 1972); *Murray v. Gelderman*, 566 F.2d 1307, 1310 (5th Cir. 1978); *Easter Seal Society for Crippled Children & Adults of Louisiana, Inc. v. Playboy Enterprises*, 815 F.2d 323, 325-28 (5th Cir. 1987).

*℄ Hawkes, Inc.*, 523 F.2d 941, 946 (2d Cir. 1975) (concluding that a concerto was not a posthumous work considering the fact that the author completed the concerto, heard it performed, executed a contract for its copyright, corrected published proofs, distributed orchestra parts, and the general public heard the concerto in concert and on the radio). For renewal registration purposes, a work is not considered posthumous unless it was unpublished when the author died and the author did not assign the copyright or exploit any rights in the work during his or her lifetime. The Office will require these facts to be established before registering a renewal claim on the statutory basis of being a posthumous work.

*Exception:* If the work was unpublished when the author died, and if the author did not assign the copyright – but did exploit some of the rights through contracts – it may be unclear whether the work is posthumous or not. A registration specialist may communicate with the applicant to determine whether the renewal claim is eligible for registration as a personal or posthumous work. As appropriate, the Office may register the claim as an adverse renewal claim or may refuse registration.

- **Works copyrighted by a corporate body** other than as an assignee or licensee. This exception has little meaning within the scope of renewal registration because nearly all proprietary works to which it could apply more clearly qualify under one of the other exceptions. Examples of types of works to which this exception may apply:
  - A work to which stockholders of a corporation contributed indistinguishable parts.
  - A work written by officials or stockholders in a corporation when it was written directly for the corporation but not as a work made for hire.
  - A work written or created by members of a religious order or similar organization, when the individual authors never had a personal property right in the work.
  - A motion picture when it is asserted that it was produced under special circumstances and was not copyrighted by an employer for whom the work was made for hire.

Types of works to which this exception cannot apply:

- The original copyright proprietor was not a corporation.
- The individual author of an unpublished work transferred the common law literary property or the right to secure copyright to a corporation.
- A posthumous or composite work or a work made for hire.

**NOTE:** The Office will inquire about a renewal claim that cites this exception as the basis of the claim unless the applicant provides an explanation of special circumstances under which this basis of claim applies.

## 2115.5(D) Effect of Timely Renewal Registration

When a **timely renewal registration** was made, it determined the party(ies) in whom the renewal copyright would **vest** at the beginning of the renewal term. Any subsequent renewal claim filed during the renewal term must identify another party entitled to claim the renewal copyright on

the effective date of the timely renewal registration, or, if any party entitled on that date either died or ceased to exist before the renewal copyright vested, a **successor** or **assignee** of that party. In such cases, the certificate of renewal registration should cite the number and effective date of the timely renewal registration and identify both the **statutory renewal claimant** and the **vested owner**.<sup>16</sup> It should also provide the statutory basis for the renewal claim and a statement explaining how the **vested owner** acquired the renewal copyright from the statutory renewal claimant(s). For examples of acceptable statements, see Section **2115.5(E)(3)**.

### **2115.5(E) Acceptable Basis of Claim Statements**

A renewal claim must state the statutory basis of the renewal claim in acceptable terms.

#### **2115.5(E)(1) Personal Works**

Examples of acceptable statements for personal works include:

- For an **author**: “Author.”
- For a **widower or widow**: “Widower (or widow) of the deceased author (name of author).”
- For a **child**: “Child of the deceased author (name of author).”
- For an **executor** named in the author’s will: “Executor of the deceased author (name of author).”
- For an **administrator c.t.a. (or administrator d.b.n.c.t.a.)** for the deceased author’s estate: “Administrator c.t.a. (or administrator d.b.n.c.t.a.) for the estate of the deceased author (name of author).”
- For a **next of kin**: “Next of kin of the deceased author (author’s name), there being no will.”

**NOTE:** In exceptional cases, the U.S. Copyright Office may accept other basis of claim statements for personal works when the statement appears to be accurate and to comply with the intent of the law.

#### **2115.5(E)(2) Proprietary Works**

Examples of acceptable statements for proprietary works include:

- If the work is a work made for hire: “Proprietor of copyright in a **work made for hire**.”
- If the work is a composite work: “Proprietor of copyright in a **composite work**.”
- If the work is a posthumous work: “Proprietor of copyright in a **posthumous work**.”

<sup>16</sup> This policy took effect in 2011.

- If the work was created by a corporate body under certain exceptional circumstances: “Proprietor of copyright in a **work copyrighted by a corporate body**, otherwise than as an assignee or licensee.” As discussed in Section **2115.5(C)(2)**, this basis of claim is appropriate only in very limited circumstances.

**NOTE:** In exceptional cases, the U.S. Copyright Office may accept other basis of claim statements for proprietary works when the statement appears to be accurate and to comply with the intent of the law. *Cadence Industries Corp. v. Ringer*, 450 F. Supp. 59, 64 (S.D.N.Y. 1978).

### **2115.5(E)(3) Statutory Renewal Claimant Is Not Vested Owner**

When the renewal copyright vested in a party which acquired the renewal copyright from a **statutory renewal claimant** as determined by a **timely renewal registration**, the renewal claim must provide the statutory basis for the claim to the renewal copyright and a statement showing how the **vested owner** acquired the copyright from the statutory renewal claimant. Examples of acceptable statements are:

- By will (or by intestate succession) of (name of deceased statutory renewal claimant), who was entitled on (effective date of timely renewal registration) to claim the renewal copyright as the (basis of claim statement from Section **2115.5(E)(1)**).
- By assignment or written agreement on (date) from (name of deceased or defunct statutory claimant), entitled on (effective date of timely renewal registration) to claim the renewal copyright as the (basis of claim statement from Section **2115.5(E)(1)** or **2115.5(E)(2)**).
- By merger agreement with (name of defunct statutory claimant), entitled on (effective date of timely renewal registration) to claim the renewal copyright as the (basis of claim statement from Section **2115.5(E)(2)**).

### **2115.5(F) Proprietary Work, Vested Owner Is Not the Original Copyright Claimant**

The right to claim the renewal copyright in a **proprietary work** flows from the original copyright claimant. Therefore, when the **vested owner** is not the **original copyright claimant** in a proprietary work, the U.S. Copyright Office may inquire about when and how the vested owner obtained the right to claim the renewal copyright from the original copyright claimant.

### **2115.5(G) Name of Vested Owner and Statutory Basis of Claim Statement Required**

The full legal name of the **vested owner** is required, even when the work is **anonymous**. When a work is **pseudonymous** and the vested owner is the author, the renewal claim may identify the vested owner by the author’s pseudonym.<sup>17</sup> An acceptable statement explaining the statutory basis for the vested owner’s claim to the renewal copyright is also required. See Section **2115.5(E)**. When the vested owner acquired the renewal copyright from the **statutory renewal claimant** as deter-

<sup>17</sup> This policy took effect with the publication of the *Compendium of U.S. Copyright Office Practices, Third Edition*.

mined by a **timely renewal registration**, the statement should also show how the vested owner acquired the renewal copyright from the statutory renewal claimant. See Section **2115.5(E)(3)**.

#### **2115.5(H) Multiple Vested Owners**

A renewal claim does not have to identify all **vested owners** of the work or material claimed. However, if there are multiple vested owners and they are represented by the party filing the renewal claim, they should all be identified as vested owners.

#### **2115.5(I) Current Mailing Address or Year of Death Required**

The vested owner's current address should be provided unless the **vested owner** is deceased or defunct (in the case of an organization) at the time of renewal registration. In that case the applicant should provide the year of death (if the vested owner was an individual) or dissolution (if the vested owner was an organizational entity).

#### **2115.5(J) Vested Owner Is Deceased or Defunct at Time of Renewal Registration**

If the vested owner is deceased or defunct at the time of renewal registration, the renewal registration record must identify the **current owner** of the renewal copyright. If it is unclear how or when the renewal copyright was derived from the **vested owner**, see Section **2115.6(C)**.

### **2115.6 Current Owner Information**

A renewal claim filed during the renewal term may identify the **current owner** (**assignee** or **successor**) of the renewal copyright, provided that it also identifies the **vested owner**. **17 U.S.C. § 304(a)(3)(A)(ii)** (allowing assignees or successors to register a claim to the renewed and extended term of copyright "if application is made in the name of" the vested owner). When the vested owner is deceased or defunct (as in the case of an organization) at the time of renewal registration, the renewal registration record must identify at least one current owner and provide information about how that party obtained the renewal copyright from the vested owner.

#### **2115.6(A) Full Legal Name and Address for Current Owner**

When the renewal registration identifies the **current owner** of the renewal copyright, it should provide the full legal name and the current address at the time of renewal registration. When the party is commonly known by an **alternative designation**, that designation should also be provided.

#### **2115.6(B) Acceptable Transfer Statements**

When the **current owner** of the renewal copyright is identified, the renewal registration must provide information about how the renewal copyright was acquired. Examples of acceptable transfer statements include:

- By assignment from the vested owner dated (date).

- Successor under the will of (by intestate succession from) the vested owner.
- By assignment from (name of party), successor by merger of the vested owner.
- By assignment dated (date) from (name of party), assignee of the vested owner by assignment.

#### **2115.6(C) Means or Date of Transfer Is Unclear**

When the relationship or the chain of title between the **vested owner** and the **current owner** is unclear, the U.S. Copyright Office may inquire about when, how, and from whom the party identified as the vested or current owner acquired the renewal copyright.

#### **2115.6(D) Renewal Copyright Assigned During Original Term**

When the renewal copyright is assigned before it vests, it is a contingency right until the renewal copyright actually **vests**. An assignor may reserve that right by filing a **timely renewal registration** (thereby determining in whom the renewal copyright will vest), or by allowing the right to vest automatically. The U.S. Copyright Office will inquire about the date of an assignment and/or the identity of the assignor when this information is useful in establishing or verifying the identity of the **vested owner**.

#### **2115.6(E) Renewal Registration Already on Record in the Name of a Vested Owner**

When a renewal registration is on the record in the name of a vested owner, the U.S. Copyright Office will refuse a renewal claim in the name of a current owner which derived the renewal copyright from that vested owner. In such cases, the appropriate action is to record the document of transfer. For information concerning this issue, see Section **2136**.

#### **2115.7 Certification Required**

The name and signature of the person certifying the facts stated in the application are required. That person should be a **vested owner** or a **current owner** who derived the renewal copyright from the vested owner, or the authorized agent of a vested owner or current owner. The Office will accept a handwritten, typed, or printed signature. If the signature is handwritten, the first and last name of the person who certified the application should be typed or printed in the space marked “Typed or printed name.” The date of certification should also be provided.

#### **2116 Additional Requirements for Published Works Not Registered for the Original Term: Form RE/Addendum**

When a published work (or the larger work in which it was first published) was not registered for the original term, additional information must be provided to show that the work met all statutory requirements to secure and maintain the full original term of copyright. A deposit copy is required, along with Forms **RE** and **RE/Addendum** and a separate **filing fee** for each application. The U.S. Copyright Office may request more information as needed to establish eligibility

for renewal registration, or may require supporting documentation, or proof of certain facts regarding **publication** with the statutory or **U.C.C. notice**.

### 2116.1 Title Information

This space of Form RE/Addendum provides title information for the eligible work. Generally, the eligible work is the **U.S. work**, or an eligible **work of foreign origin**, that bore the statutory or **U.C.C. notice** at the time of **first publication**. When copyright was secured in a **contribution** to a **periodical** or **published collection** under a general copyright notice, Form RE/Addendum should give the title of the periodical or collection. When a contribution was first published with its own separate copyright notice, Form RE/Addendum should identify the contribution as the eligible work. The complete title of the work as first published is required.

### 2116.2 Author Information

This space of Form RE/Addendum must identify at least one eligible author and provide the **nationality** and **domicile** of the author at the time of first publication. The author may be an **individual** or **proprietary author**.

#### 2116.2(A) Name of Eligible Author

The full legal name of the author at the time of first publication is required. If there are multiple joint authors, the name of only one joint author on whom eligibility is based is required.

*Exceptions:* When a work is **pseudonymous**, the author may be identified by the pseudonym. When a work is **anonymous**, the author's legal name is not required but the author's **nationality** and **domicile** must be provided.<sup>18</sup>

**NOTE:** When renewal registration is sought for a **contribution** first published in a periodical or collection (or a **separate work or element of authorship** first published in a larger work) that bore only a general copyright notice, the eligible work is the periodical, published collection, or larger work. Therefore, Form RE/Addendum should name the eligible author of the periodical, collection, or larger work, while Form RE should identify the author of the contribution or separate element of authorship and should provide that author's nationality and domicile at the time of first publication.<sup>19</sup>

18 This provision represents a change of policy that occurred with the publication of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Previously, the U.S. Copyright Office required the legal name of at least one author to establish eligibility. For a discussion of this issue, see Section **2115.4(A)(1)**.

19 This requirement represents a change of policy that took effect when Form RE was amended to provide nationality and domicile information for an author. Prior to this amendment, Form RE/Addendum identified the eligible author of the work in which the renewal copyright was claimed. For example, if the renewal claim was in a **contribution** first published in a **published collection**, Form RE/Addendum identified the author of the contribution because Form RE did not provide this information.

### 2116.2(B) Nationality and Domicile of Eligible Author

Both the **nationality** and **domicile** of the eligible author at the time of first publication are required. For **works made for hire**, when the employer is an individual, both **nationality** and **domicile** at the time of **first publication** is required. When the employer is a corporation, the country of incorporation is required in lieu of nationality or domicile. For **posthumous work**, eligibility may be based on either the nationality of the deceased author at the time of death, or the nationality and domicile of the **original copyright claimant** at the time of first publication.

### 2116.3 Publication Information

The complete date (month, day, and year) and the nation (as then known) of **first publication** are required.

#### 2116.3(A) Date of First Publication Unknown

When the actual **date of publication** is unknown, the applicant should still provide a complete date to the best of his or her knowledge, along with a separate written statement explaining the basis for determining the date given.

#### 2116.3(B) Simultaneous Publication in the United States

For renewal registration purposes, a work was simultaneously published in the United States when it was published in this country on the same day as it was published abroad. Such works are considered to be first published in the United States.

*Exception:* For information regarding the effect of simultaneous publication in the United States on renewal registration of books and periodicals that would be otherwise eligible as **U.C.C. works**, or through **ad interim copyright** and compliance with **manufacturing requirements**, see Section **2118.3**. For **works of foreign origin** that are published in the United States within thirty days of first publication abroad, see **Part VII** regarding restoration of copyright under the **URAA**.

### 2116.4 Manufacture Information

This space of Form RE/Addendum must be completed for all **nondramatic literary works** and **two-dimensional prints** and labels in the English language. Information as to where and how such works were manufactured is required. See Section **2124**. This information is also required for foreign language books when the eligible author was a **national** or **domiciliary** of the **United States** at the time the work was first **published**.

#### 2116.4(A) Acceptable Terms to Describe Manufacturing Process

The processes by which a work was manufactured may be described in general terms, such as “typeset,” “printed from plates,” “photoengraving process,” “lithographic process,” “offset,” “photo-offset,” or “binding.”

### 2116.4(B) Works Manufactured by Other Processes

When the applicant asserts that a work was manufactured by other processes and it appears the work may not have fully complied with the **manufacturing requirements**, the U.S. Copyright Office will require additional information about the manufacturing processes to determine whether the work secured the full original term of copyright in the United States. If such information cannot be provided, renewal registration may be refused.

### 2116.5 Deposit Information

This space of Form RE/Addendum describes the material deposited for registration of published works that were not registered for the original term. Renewal registration is generally dependent on the availability of a complete copy or **phonorecord** of the work as first published.

#### 2116.5(A) Deposit Requirement

The deposit requirement for renewal registration of published works that were not registered for the original term is one complete copy or **phonorecord** of the work as first published. This requirement applies to **U.S. works** and **works of foreign origin**.<sup>20</sup>

*Exception:* For information regarding the deposit requirements for renewal claims in **contributions** first published in a periodical or collection and **separate works or elements of authorship** in a larger work, see Section 2116.5(C).

**NOTE:** The deposit requirement for renewal registration based on the first publication of a work that secured statutory copyright by registration as an unpublished work depends on when the work was first published. See Section 2116.5(E).

#### 2116.5(B) Alternative Deposit Material

When only archival copies or **phonorecords** of the work as first published are available at the time of renewal registration, an applicant may provide an explanation of why it is difficult to meet the deposit requirement. The U.S. Copyright Office will consider on a case-by-case basis whether alternative deposit material is acceptable. If approved, the alternative deposit material should be described on Form RE/Addendum.

**NOTE:** When a work is selected by the Library of Congress for its collections the Office generally will require that the deposit requirement be met (*i.e.*, alternative deposit material and **identify-**

20 The Office adopted this requirement when the Copyright Act of 1976 went into effect. See 37 C.F.R. § 202.20(c)(1)(ii). This represented a change in policy from the Copyright Act of 1909, which provided that copyright could be secured by the act of publication with notice, after which it required “prompt” deposit of “two complete copies of the best edition thereof then published” for U.S. works and “one complete copy of the best edition then published” for works of foreign origin. To register a work for the original term under the 1909 Act, the Office required two complete copies of the best edition then published for **U.S. works**, and one complete copy of the best edition so published for **works of foreign origin** if a registration fee was paid, or two such copies if a catalog card was submitted in lieu of the fee.

ing material will not be accepted), or the Office may accept a reproduction of the work in an archival-quality format under a grant of **special relief**.

#### **2116.5(B)(1) Identical to the Complete Work as First Published**

When the alternative deposit material is a photocopy or exact reproduction, or a complete copy of the work as first published that is transferred to an archival-quality format, the applicant must verify in writing that the deposit material is identical to the work as first published, including the position and content of the copyright notice.

#### **2116.5(B)(2) Reprint or Reissue of Work as First Published**

When the alternative deposit material is a reprint edition (as in a book), or a reissue (as in a sound recording), or a domestic edition of a foreign work (as in a motion picture with English subtitles), or the foreign edition of a U.S. publication (as in a magazine issue), that contains the same identical copyrightable content but with a different copyright notice and perhaps some new, separate content, such as cover artwork, introductory text, liner notes, credits, or subtitles that is not the subject matter of the claim, the applicant should provide the following, in addition to a complete copy of the reprint or reissue:

- A written request for a grant of **special relief** from the deposit requirement with an explanation of why a copy as first published cannot be deposited;
- Material obtained directly from a copy or phonorecord of the work as first published that properly identifies the work and its contents, and shows the work was first published with the statutory or **U.C.C. notice**; and
- A written statement verifying that all of the authorship claimed is contained in the deposit copy and is identical to the work as first published, and specifying the new, separate authorship contained in the copy that is not part of the claim.

In such cases the renewal claim must be limited to the authorship in the deposit copy that is separate and identical to the work as first published. The U.S. Copyright Office will then determine on a case-by-case basis whether to accept the deposit material under a grant of special relief.<sup>21</sup>

#### **2116.5(B)(3) Identifying Material**

In exceptional circumstances, the U.S. Copyright Office may accept **identifying material** when it is not possible to provide a complete copy of the work as first published. In such cases, the applicant should provide the following, in addition to the identifying material:

- A written request for a grant of **special relief** from the deposit requirement with an explanation of why a complete copy as first published cannot be deposited;

<sup>21</sup> The option to grant special relief in such cases represents a change of policy that took effect with the publication of the *Compendium of U.S. Copyright Office Practices, Third Edition*.

- Material obtained directly from a copy of the work as first published that properly identifies the work and its contents, and shows the work was first published with the statutory or **U.C.C. notice**; and
- A detailed description of how the deposit material differs from the work as first published, and how much of the original content is contained in the deposited material.

In each case, the Office will consider the specific circumstances in determining whether renewal registration should be made, even though the deposit requirement is not met. If identifying material is accepted, the Office will register the renewal claim under a grant of special relief when the damage, change, or revision in the deposit material is minimal, separate from, and does not include any portion of the authorship in which renewal is claimed and the work met all other statutory requirements to secure the full original term of copyright. If the situation is otherwise, the Office will either refuse renewal registration, or register the renewal claim under the **rule of doubt** with an annotation on the certificate of renewal registration and a note in the renewal registration record explaining that the deposit material does not comply fully with renewal registration requirements.<sup>22</sup>

**NOTE:** When it is not known or cannot be determined that the identifying material contains a representative amount of the copyrightable content, or it is not possible to distinguish between the copyrightable content contained in the work as first published and the revisions or changes in the deposit material, the Office will not accept identifying material.

**NOTE:** When a renewal claim is filed under expedited handling due to pending or prospective litigation, or when the renewal claim is **adverse** to another renewal claim in process or already on the record, if alternative deposit material is deposited, it must be identical to the complete work as first published. In such cases, the Office will not accept **identifying material**. Generally, in **adverse** situations, the deposit material cannot be, or be taken from, an infringing copy. For information regarding adverse renewal claims, see Section 2137.

### 2116.5(C) Contribution First Published in a Periodical, Collection, or Larger Work

The deposit requirement for a contribution first published in a periodical, collection, or larger work is **identifying material** including the complete contribution and the title and table of contents pages from the collection or larger work or the mast head of the periodical. If the contribution did not bear its own separate copyright notice, the page showing the position and content of the general copyright notice is required. If the periodical, published collection, or larger work was subject to the **manufacturing clause**, the pages containing information about how and where the work was printed and bound are required.

<sup>22</sup> This provision represents a change of policy that took effect with the publication of the *Compendium of U.S. Copyright Office Practices, Third Edition*. Under the prior policy, the Office determined whether the deposit material was acceptable under the deposit requirement and either refused or registered with reference to the alternative deposit material in Form RE/Addendum. Registration was not made under the rule of doubt and special relief did not apply.

**2116.5(D) Music or Other Component Element Embodied in a Published Motion Picture**

The deposit requirement for music or other component elements embodied in a published **motion picture** is **identifying material** consisting of a script, photograph, transcription, or reproduction on a **phonorecord** of the component element as contained in the motion picture, along with photographs or reproductions of the screens from the motion picture as first published showing the title and credits, and the content and position of the copyright notices for both the motion picture and the component element.

**2116.5(E) Based on First Publication**

If the work was first published before January 1, 1978, the deposit requirement is one complete copy or **phonorecord** of the work as first published. If the work was first published on or after January 1, 1978 the deposit requirement is one complete copy or phonorecord of the best edition available at the time of registration, along with other examining material from the work as first published to prove that the work as first published met all statutory requirements to maintain the copyright secured by registration of the unpublished work. If the best edition is not identical to the work as first published see Sections **2116.5(B)(2)** and **2116.5(B)(3)**.

**2116.6 Verification of Copyright Notice**

Generally, renewal registration of a published work is premised on these facts:

- The full original term of copyright was secured upon **first publication** with the statutory or **U.C.C. notice** (or soon thereafter by securing **ad interim copyright**, during which the work was manufactured and published in the **United States** with the required copyright notice); and
- Statutory copyright has been maintained uninterrupted through the full original term and into the renewal term, and subsists at the time of renewal registration.

The U.S. Copyright Office requires written verification of these facts by a **knowledgeable source**. For information about notice requirements under the Copyright Act of 1909, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>. Regarding the notice requirements for specific classes of works, see **Part IV**.

**2117 Effective Date of Renewal Registration**

The effective date of renewal registration is established when all of the elements required for renewal registration are received (**filing fees**, **Form RE**, **Form RE/Addendum**, if necessary, **deposit materials**, if any), and Form RE identifies the work by title or original registration number, and identifies at least one **vested owner**. If the initial deposit material is not in an acceptable format, but is accessible for examining purposes and contains all of the copyrightable authorship claimed, the effective date of the renewal registration will not be affected.

## PART IV CLASSES OF WORKS AND RELATED REGISTRATION ISSUES

This Part focuses on issues related to renewal claims in specific classes of works. Some issues arise from the original registration record; others arise when published works were not registered for the original term.

### 2118 Nondramatic Literary Works (Books)

This class of works was registered for the original term under **class A** as published works and, since 1978 under class TX. Such works (fiction and nonfiction, poetry, etc.) were referred to as “**books**” in the Copyright Act of 1909.<sup>23</sup>

To be eligible for renewal registration, books had to secure the full original term of copyright in the United States by meeting certain requirements based on the language of the text, the **nationality** and **domicile** of the author, and the nation of **first publication**. **U.C.C. works** were exempt from some requirements, including the **manufacturing requirements**. Even so, the **manufacturing clause** remains a key factor in determining whether a book is eligible for renewal registration.

The following types of books are subject to the manufacturing clause:

- Books written in the English language (except **U.C.C. works**);
- Books written by a **U.S. national** or **domiciliary**;
- Books that were first published in the **United States**.

Another determining factor is the nationality and domicile of the author at the time of first publication; the place of publication is generally immaterial except when a book was:

- First published in the United States; or
- First published in a **U.C.C. country** (other than the United States) and the author was not a U.S. national or domiciliary at the time of first publication. See *U.S. Copyright Office, United States Copyright Relations of Current Interest (1960)*.

In nearly all cases, books had to be published with a copyright notice as specified in Sections 19 and 20, or 9(c) of the **Copyright Act of 1909** (as amended), whether published in the United States or abroad.

*Exception:* It was possible to secure **ad interim copyright** in an English-language book published abroad without the required notice. However, to secure the full original term of copyright in the United States, such books had to be manufactured and published in this country with the statutory or U.C.C. notice while *ad interim* copyright subsisted, and to maintain copyright, every copy published in the United States had to bear the required copyright notice.

23 For a discussion of unpublished, nondramatic literary works prepared for oral delivery (lectures, sermons, addresses), see Section 2122.4.

### 2118.1 English Language Books

Generally, all English language books are subject to the **manufacturing clause** except those that qualify under the U.C.C. exemption (“**U.C.C. works**”).

*Exceptions:* For information concerning works under **ad interim copyright** when a country joined the **U.C.C.** and works that secured, or were capable of securing, **ad interim** copyright as of December 31, 1977, see Section **2115.2(F)**. Also, when an author of a book was **stateless** on the date of **first publication**, renewal registration is possible regardless of the former or prospective citizenship or domicile of the author, or the place of manufacture or first publication.

### 2118.2 Foreign Language Books

Generally, foreign language books are subject to the **manufacturing clause** only if **first published** in the **United States**.

*Exception:* If the author is a U.S. **national** or **domiciliary** when a foreign language book was first published, the book had to be manufactured in the **United States**. If the book was manufactured abroad, copyright in the United States was lost upon publication; **ad interim copyright** could not be secured, and renewal registration is not possible.

### 2118.3 Effect of Simultaneous Publication in the United States

Generally, when a book is otherwise eligible for renewal registration as a **U.C.C. work**, simultaneous publication in the United States will not prevent renewal registration. For an explanation of what constitutes simultaneous publication, see Section **2116.3(B)**.

### 2118.4 Illustrations in a Book

Renewal registration for an illustration contained in a book that is subject to the **manufacturing clause** depends on the process of reproduction. If the illustration was produced by lithographic or photoengraving processes it must be manufactured in the United States. For more information, see Section **2121.5**.

### 2118.5 Unpublished Nondramatic Literary Material

Unpublished nondramatic literary material (other than those prepared for oral delivery) could not be registered under the Copyright Act of 1909 and did not come under statutory protection until January 1, 1978 under the Copyright Act of 1976. Therefore, renewal registration is not applicable to these works. For information about renewal registration of nondramatic literary works prepared for oral delivery, see Section **2122.4**.

### 2118.6 Literary Material Contained in a Published Phonorecord

Under the Copyright Act of 1909, the release of a sound recording on a phonorecord did not publish the recorded literary work. Therefore, a renewal claim in a published sound recording cannot extend to the recorded literary work.

### 2118.7 Text and Illustrations Owned Separately for the Renewal Term

When the renewal copyrights in these elements **vested** in different parties, or on different dates, each element must be registered separately for the renewal term, even if both elements were registered together for the original term.<sup>24</sup>

## 2119 Periodicals / Serials

Under the Copyright Act of 1909, published periodical issues were registered for the original term under **class B** and, since 1978 in class TX or as serials in class SE. Periodicals are subject to the **manufacturing clause** with regard to the textual content, and the guidelines for “books” are applicable to renewal claims in periodicals that were not registered for the original term. For information concerning these guidelines, see Section **2124**.

### 2119.1 Title Information Should Include Volume / Number / Issue Date / ISSN (if any)

To properly identify the specific issue of the periodical that is the subject matter of the renewal registration, all indicia particular to that issue should be provided in the title information.

### 2119.2 Identity of Author

When a renewal claim is based on an original class B registration record, the name of the author is not required, because the original registration record did not identify the author. If the periodical issue was not registered for the original term, the renewal registration must identify the **proprietary** or **individual author**. If the author is not the **original copyright claimant**, the U.S. Copyright Office will generally request information that supports the author facts.

### 2119.3 Each Issue / Edition Must Be Registered Separately

Each issue of a periodical must be registered separately. Likewise, when an issue of a periodical is published in two or more separate editions containing different copyrightable content, separate renewal registrations are required.

<sup>24</sup> This registration requirement represents a change from the practice applied to **timely renewal registrations** when the Office accepted both claims to the renewal copyrights on one Form RE.

#### 2119.4 Extent of Renewal Claim

Generally, renewal registration for a periodical issue as a whole is made in the name of the proprietor on the statutory basis that the work is a **composite work**. However, not all periodicals/serials are composite works. In such cases, if the periodical was created as a **work made for hire**, the renewal copyright may be claimed by the proprietor on that statutory basis. If the periodical was not made for hire, the renewal copyright may be claimed on behalf of the **individual author**. In either case, the renewal registration should be limited to the material created by the employer for hire or individual author. See Sections **2115.5(C)(2)** and **2126**.

#### 2120 Computer Programs

The U.S. Copyright Office began to register claims in computer programs in 1964 as “**books**” in **class A**. Since 1978, claims in computer programs have been registered in class TX or PA.

To be registrable for the renewal term, a computer program must meet the following requirements:

- It was published in copies (*i.e.*, reproductions of the program in a form perceptible or capable of being made perceptible to the human eye were distributed or made available to the public). If the computer program was not registered for the original term and it seems unlikely that it was actually distributed to the public in the form deposited, or it seems unlikely that it was actually published, the Office may inquire about publication and may require a brief explanation of the way in which the program was first made available to the public and the form in which the copies were published.
- The literary expression consists of sufficient creative authorship to support a claim to copyright.
- The published copies contained the statutory or **U.C.C. notice** for books. When a program was first published in the form of punched cards or magnetic tape, the work did not have “pages” so the requirement that the notice must appear in books either on the title page or the page immediately following could not be met. In such cases, the Office will take into consideration the nature of any intervening material in determining whether the location of the notice is acceptable. For more information, see Compendium (First) Supplementary Practice No.35.

#### 2121 Works of the Visual Arts

This category of works includes **classes F through K** under the Copyright Act of 1909 and all categories of works registered since 1978 in class VA. These classes include: pictorial, graphic and sculptural works including two- and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, technical drawings, diagrams and models embodied in a wide variety of forms. Certain classes of works could be registered in unpublished form for the original term; others had to be published to be registrable. Works within Class K (prints and pictorial illustrations) are subject to the **manufacturing clause**.

##### 2121.1 Maps

This class of works was registered for the original term under **class F** and, since 1978, in class VA. For renewal registration purposes, this type of work includes all published cartographic repre-

sentations of area, such as terrestrial maps and atlases, marine charts, celestial maps, and such three-dimensional works as globes and relief models.

To be registrable for the renewal term, a map should contain original cartographic material, such as drawings or pictorial representations of area based on original surveying or cartographic field work, or compilations resulting from the selection and ordering of essentially cartographic elements, such as roads, lakes or rivers, cities, political or geographic boundaries.

The copyright notice may consist of any acceptable form of the word “copyright” or the copyright symbol, along with the name of the copyright proprietor. The year date of publication may be included, but it is not required. An acceptable notice may also include the initials, monogram, mark, or symbol in place of the name of the copyright proprietor if the name of the proprietor appears on some permanently accessible portion of the work. All of the elements should appear together and be positioned in such manner and location as to give reasonable notice of the copyright claim. For more information about notice requirements, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

**NOTE:** If maps appear on multiple pages as in a “book,” the notice should include the year date and appear on the title page or the page immediately following.

## 2121.2 Original Works of Art

This class of works was registered for the original term under **class G**, as both published and unpublished works, and, since 1978, in class VA. For renewal registration purposes, this type of work includes published and unpublished pictorial or graphic works, such as paintings, drawings, cartoons, etchings, engravings, and two-dimensional abstract or representational designs, and sculptural material, such as statuary, carving in relief, and three-dimensional abstract or representational designs. These works may be embodied in a variety of forms including ornamental or useful articles.

To be registrable for the renewal term, a work of art should contain original pictorial, graphic, or sculptural material. In certain cases, the unrestricted public exhibition of a work of art may constitute a publication of the work.

The copyright notice should be legible and permanently affixed to the work itself and the required elements should appear together. For information concerning the required elements and location of the notice, see Section [2121.1](#).

## 2121.3 Technical Drawings and Models

This class of works was registered for the original term under **class I**, as both published and unpublished works and, since 1978, in class VA. For renewal registration purposes, this type of work includes published and unpublished two-dimensional drawings and three-dimensional plastic works designed for a scientific or technical use, such as architectural blueprints, mechanical drawings, engineering diagrams, and anatomical models.

To be registrable for the renewal term, such works should contain original graphic, pictorial or sculptural material.

The copyright notice should be legible and permanently affixed to the work itself and the required elements should appear together. For information concerning the required elements and location of the notice, see Section [2121.1](#).

#### 2121.4 Photographs

This class of works was registered for the original term under [class J](#), as both published and unpublished works and, since 1978, in class VA. For renewal registration purposes, this type of work includes published and unpublished still photographic prints.

To be registrable for the renewal term, a photograph should contain original photographic authorship in the various elements involved in its composition, such as time and light exposure, camera angle, or arrangement and disposition of the subjects depicted.

Generally a photograph is not considered published until copies have actually been placed on sale, sold, or publicly distributed. However, an unrestricted public exhibition may constitute publication. While photographs are not subject to the [manufacturing clause](#), a lithographic or photoengraving reproduction is subject to this provision.

**NOTE:** For renewal registration purposes, a published reproduction of a photograph produced by lithography, photoengraving, rotogravure, collotype, mezzotint, or other similar process of reproduction is not registrable as a “photograph,” but it may be registrable as a “print” or “pictorial illustration” if it meets [manufacturing requirements](#). When the photograph is reproduced and first published as a contribution to a collection, the U.S. Copyright Office will inquire about the reproduction process and will refuse renewal registration if the photographic reproduction or the published collection did not meet manufacturing requirements at the time of first publication.

##### 2121.4(A) Notice Requirements

The copyright notice must be permanently affixed to the photograph itself and the required elements should appear together. For the required elements of the notice, see Section [2121.1](#). Also, the notice may consist of the symbol © accompanied by the initials, monogram, mark, or symbol of the copyright proprietor. The notice may be located on any accessible part of a single-page work or on a margin or permanent mounting, provided that it is visible and not concealed. For more information about notice requirements, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

*Exception:* When eligibility for renewal registration is based solely on the [U.C.C](#) exemption, the copy must bear the [U.C.C. notice](#) as specified in Section 9(c) in the [Copyright Act of 1909](#) (as amended). However, if the notice satisfies the notice requirement of Section 19, but not 9(c), renewal registration may still be possible. In this case, the U.S Copyright Office will add an annotation to the certificate of renewal registration and a note in the registration record citing this Section of the *Compendium of U.S. Copyright Office Practices, Third Edition*.

**NOTE:** Renewal registration may be possible when a photograph was first published in a book with a copyright notice that is acceptable for photographs but does not meet the statutory requirements for **books**. In such cases, renewal registration must be limited to the photograph.

#### 2121.4(B) First Published in a Motion Picture

The U.S. Copyright Office has a longstanding practice of regarding a **motion picture** as a **unitary work** in which the component elements are integral to the work as a whole. Therefore, when a photograph was first published in a motion picture, renewal registration is not possible unless it was registered separately for the original term as an unpublished work, or the motion picture bore a separate copyright notice for the photograph. Renewal registration for such photograph cannot be based on the original registration record for the motion picture. *See* Section 2122.6(C).

#### 2121.5 Prints and Pictorial Illustrations

Prints were registered for the original term under **class K** and reproductions of artistic works and photographs were registered in **classes H** and **K**, respectively. Since 1978 they have been registered in class VA. For renewal registration purposes, this type of work includes published prints (commercial or otherwise), posters, pictorial illustrations, greeting cards, picture postcards, gameboards, and labels, among other works produced by means of lithography, photoengraving, or other methods of reproduction.

To be registrable for the renewal term, a print or pictorial illustration should contain original graphic or pictorial material. A reproduction should contain original authorship such as drawing, sculpture, or molding, and the underlying work should be a pictorial, graphic, or sculptural work. Because a reproduction is a **derivative work**, a renewal claim must describe the authorship in the reproduction. Prints and labels, as well as reproductions first published in **books**, are generally subject to the **manufacturing clause**.

#### 2121.5(A) Manufacturing Requirements

As a general rule, to be registrable for the renewal term a lithograph or photoengraving, whether first published as an illustration in a book or as a separate work, should be manufactured in the United States.

*Exceptions:* In the following cases a lithograph or photoengraving does not have to be manufactured in the United States:

- It represents a subject located abroad and illustrates a scientific work or reproduces an artistic work.
- It qualifies for renewal registration as a **U.C.C. work**.
- It was first published as part of a larger work other than a **book** (for example a periodical, a drama, or a musical composition).
- It was first published in a book that is not subject to the **manufacturing clause** (for example, a foreign language book written by a **foreign author** and first published abroad).

**NOTE:** When the entire text of a book is in the public domain and the illustrations constitute the new material, or when multiple lithographs or photoengravings are published in a collection in which these elements predominate, they are treated as separate works, and each illustration, lithograph, or photoengraving must meet the statutory requirements.

### 2121.5(B) Notice Requirements

The copyright notice must be permanently affixed to the work itself and the required elements should appear together. For information concerning the required elements and location of the notice, see Section 2121.1.

### 2121.6 Architectural Works

For renewal registration purposes, an architectural work can be registered only as a technical drawing. See Section 2121.3. Form RE should describe only the authorship contained in the drawing and should not refer to any element associated with the building itself, because an architectural work as it exists in a building was not protected under the statute until December 1, 1990.

## 2122 Works of the Performing Arts

This category of works includes classes C through E and L through N under the Copyright Act of 1909 and, since 1978, all categories of works currently registered in classes PA and SR. For renewal registration purposes, this category of works includes published and unpublished songs and musical works, dramatic works (with or without music), motion pictures and other audiovisual works, and unpublished lectures, sermons, interviews, and speeches prepared for oral delivery, presentation, or performance. From February 15, 1972, it also includes published sound recordings.

### 2122.1 Musical Works and Songs

This class of works was registered for the original term under class E, as both published and unpublished works, and since 1978 in class PA. For renewal registration purposes, this class of works includes published and unpublished musical works and songs. It does not include published works containing only lyrics.<sup>25</sup>

#### 2122.1(A) Published After Registration as Unpublished Work

When a musical work or song was published following registration as an unpublished work before 1978, a renewal with addendum claim may be filed based on first publication to show proof that the song as first published met the statutory requirements to maintain the copyright secured by the original registration. See Section 2115.3(E).

<sup>25</sup> Song lyrics that were first published separately from the music could be registered in class A as a book for the original term. See Section 2118.

**2122.1(B) First Published as a Component Element of a Motion Picture Soundtrack**

Renewal registration in a song or incidental music first published in a motion picture soundtrack is possible only if the song or incidental music was registered separately from the motion picture for the original term, or if the motion picture was first published with a separate copyright notice for the musical work. See Section [2122.6\(C\)](#).

**2122.1(B)(1) Registered for Original Term as Unpublished Work**

When a musical work or song from a motion picture was registered for the original term as an unpublished work, a renewal registration may be based on the original registration record, even when the motion picture was published before the effective date of the original term registration. When registration records show the motion picture was published prior to the effective date of the original registration record, the U.S. Copyright Office will add an annotation to the certificate of renewal registration and a note in the registration record for the musical work regarding the registration record for the published motion picture, because of the effect of publication on the copyright term.

**2122.1(B)(2) Renewal Claim Based on Motion Picture Registration**

Renewal registration for a musical work or song that was first published in a motion picture soundtrack cannot be based on the original registration record for the motion picture.

**2122.1(C) Released Only in a Phonorecord**

Under the Copyright Act of 1909, releasing a sound recording on a phonorecord did not constitute publication of the recorded musical work or song. However, such works were often registered as unpublished works to secure federal statutory protection. When the U.S. Copyright Office receives a claim in a musical work that was released in a recording before 1978 and it seems likely that the author or copyright owner would have registered the work to secure statutory protection when the recording was released, the Office may advise the applicant to request a search of the records before proceeding with registration. For more information on searching Office records, see *How to Investigate the Copyright Status of a Work (Circular 22)* and *The Copyright Card Catalog and the Online Files of the Copyright Office (Circular 23)*.

*Exception:* When the lyrics of a song were printed on an album cover or insert, the lyrics were considered to be published as of the release date of the album. In such cases, the lyrics must be registered separately from the music, based on the facts of first publication, and renewal registration depends on whether the album contained the statutory or **U.C.C. notice** for visually perceptible authorship.

**2122.1(D) Made Available Only in Rental Score**

Lease or rental of copies generally was regarded as **publication** under the Copyright Act of 1909 unless the distribution was to a limited group or for a restricted purpose. Therefore, when a musical work was made available in rental scores, renewal registration may be appropriate

depending on the scope of distribution and restrictions placed on its use. The U.S. Copyright Office generally will register a renewal claim when the applicant asserts publication.

### 2122.1(E) Notice Requirements

The notice for a musical work or song should contain the word “copyright,” the abbreviation “Copr.,” or the symbol ©, the year in which copyright was secured and the name of the copyright proprietor and be placed either “upon its title page or the first page of music.” **Copyright Act of 1909, Pub. L. No. 60-349, §§ 19-20, 35 Stat. 1075, 1079-80 (1909)**. For lyrics published on an album cover or insert, the copyright notice should be placed on the cover or insert or near the title of the song. For musical works first published in a motion picture, the separate copyright notice should appear within the credits. For more information about copyright notice requirements, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

### 2122.2 Dramatic Works

This class of works was registered for the original term under **class D**, as both published and unpublished works and, since 1978, in class PA. For renewal registration purposes, these works are generally considered to be **unitary works**; therefore a renewal claim should generally name all of the authors who contributed to the work as a whole.

*Exception:* In certain cases (specifically with regard to cantatas that were registered for the original term as published musical works), when the applicant asserts that the renewal copyright in a song or musical work within a dramatic work vested separately in different parties, the U.S. Copyright Office may register separate renewal claims.

#### 2122.2(A) First Published in a Motion Picture

When a play, script, or screenplay was registered for the original term before the motion picture was published, renewal registration may be based on the original registration record. When the dramatic work was not registered before the motion picture was published, renewal registration is possible only if the published motion picture contained a separate copyright notice for the dramatic work.

**NOTE:** A renewal registration in a component element of a published motion picture, or in a work fixed and first published in a motion picture, cannot be based on the original registration for the motion picture.

#### 2122.2(B) Made Available Only in Rental Copies

As with musical works, when a dramatic work was made available only in rental copies prior to 1978, **publication** may or may not have occurred. See Section **2122.1(D)**. If publication did occur, renewal registration depends on whether the dramatic work was first published with the statutory or **U.C.C. notice**.

**2122.2(C) Released Only in a Phonorecord**

Dramatic works released only in sound recordings on **phonorecords** were not considered published under the Copyright Act of 1909. See Section **2122.1(C)**.

**2122.2(D) Notice Requirements**

Dramatic works first published in copies should bear the statutory or **U.C.C. notice for books**. If the work was first published in a motion picture, the separate notice should appear in the credits. For more information about notice requirements, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

**2122.3 Choreography and Works Containing Choreography**

The 1909 Act did not recognize choreography as a distinct category of copyrightable authorship. A choreographic work was eligible for federal copyright protection only to the extent that it qualified as a “dramatic composition.” To satisfy this requirement, a choreographic work had to tell a story, develop a character, or express a theme or emotion by means of specific movements and physical actions. See *U.S. Copyright Office, Study No. 28: Copyright in Choreographic Works at 176 (1960)*.

The U.S. Copyright Office registered choreographic works for the original term as published or unpublished “dramatico-musical compositions.” Copyright Office regulations promulgated under the 1909 Act stated that:

Choreographic work of a dramatic character, whether the story or theme be expressed in music or action combined or by actions alone, are subject to registration in Class D. However, descriptions of dance steps and other physical gestures, including ballroom and social dances or choreographic works which do not tell a story, develop a character or emotion, or otherwise convey a dramatic concept or idea, are not subject to registration in Class D.

**37 C.F.R. § 202.7 (1959)**. When Congress enacted the 1976 Copyright Act it extended federal copyright protection to choreography, and since then, the Office has registered choreographic works in class PA.

To be registered as a dramatic work for the renewal term, a choreographic work should tell a story or convey a dramatic concept or idea. The work had to be fixed in a perceptible form (*e.g.* a textual description, Laban notation, or videography) in enough detail that the work can be performed. Descriptions of dance steps that do not tell a story, develop a character or emotion, or otherwise convey a dramatic concept or idea, are not subject to registration as dramatic works. Also, it is not possible to register a mere dance step or variation. Ballroom, social, and folk dance steps are not registrable.

### 2122.3(A) Registered for Original Term as Dramatic Work

When a renewal claim is based on an original registration record for a dramatic work, the renewal claim cannot extend beyond the dramatic elements of authorship described in the original registration record, even when the work is a choreographic work or a dramatic work that contains choreography.

### 2122.3(B) Published but not Registered for Original Term

A choreographic work may be registered for the renewal term as a dramatic work, but only when the work meets all of the following criteria for choreography:

- The work is an original creation of choreographed movements, such as a ballet, modern dance composition, or similar theatrical work;
- The choreographic authorship is fixed in a perceptible form in sufficient detail to be capable of performance; and
- The work has a dramatic element, such that the choreography tells a story, or develops a character, or expresses a theme, or conveys an emotion.

If the renewal claim describes the work or authorship as “choreography,” rather than “dramatic work,” the U.S. Copyright Office will add an annotation to the certificate of renewal registration and a note in the registration record that the work is registered as a dramatic work.

### 2122.3(C) Notice Requirements

As a dramatic work, choreographic works first published in printed copies should bear the statutory or **U.C.C. notice** for **books**. If the work was first published in a **motion picture**, the separate notice should appear in the credits. For more information about copyright notice requirements, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

### 2122.4 Works Prepared for Oral Delivery, Presentation, or Performance

In general, nondramatic literary works could only secure statutory protection under the Copyright Act of 1909 by the act of **publication** with the statutory or **U.C.C. notice**, followed by registration in **class A**, or since 1978, in class TX. However, certain literary works prepared specifically for performance or presentation to the public could secure statutory protection prior to publication by registration in **class C**. Because these works secured statutory protection by registration as unpublished works, a renewal claim based on an original class C registration cannot contain publication information.

**2122.4(A) First Published in Copies**

While a presentation or performance (or a limited distribution of copies for the purpose of presentation or performance) may not have caused a work to lose its common law protection under the Copyright Act of 1909 as an unpublished work, an unrestricted distribution of a work to the general public may have done so. *See, e.g., Estate of Martin Luther King, Jr., Inc. v. CBS, Inc.*, 194 F.3d 1211, 1214-15 (11th Cir. 1999); *King v. Mister Maestro, Inc.*, 224 F. Supp. 101, 106 (S.D.N.Y. 1963). When works registered in class C were published prior to 1978, they had to meet statutory requirements for **books**, including the **manufacturing requirements**, to maintain copyright through the full original term of copyright. When such works failed to do so upon publication, renewal registration is not possible.

**2122.4(B) First Published as a Component Element of a Motion Picture Soundtrack**

Renewal registration for a script, a speech, or an interview first published in a motion picture (such as a news broadcast or documentary) is not possible unless the underlying literary work was registered separately in **class C** prior to publication, or the motion picture as first published contained a separate copyright notice for the literary work. *See* Section **2122.6(C)**. Renewal registration may not be based on the original registration record for the motion picture.

**2122.4(C) Released Only in a Phonorecord**

Under the Copyright Act of 1909, releasing a sound recording on a **phonorecord** did not constitute publication of the literary work. However, reproducing any portion of the literary work on the album cover or insert material published that portion with the release of the phonorecord.

**2122.4(D) Notice Requirements**

The notice requirements for literary works prepared specifically for performance, delivery or presentation to the public are the same as the notice requirements for dramatic works. *See* Section **2122.2(D)**. For more information about copyright notice requirements, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

**2122.5 Sound Recordings**

This class of works was added in Section 5 of the Copyright Act of 1909 under a 1971 amendment that provided statutory protection to published sound recordings that were fixed on or after February 15, 1972. *See* Pub. L. No. 92-140, § 3, 85 Stat. 391, 392 (1971) (stating that the amendment “shall apply only to sound recordings fixed, published, and copyrighted on and after the effective date of this Act and before January 1, 1975”);<sup>26</sup> *see also* 37 C.F.R. 202.15a (1972) (“Only those sound recordings fixed and published on or after February 15, 1972, are eligible for registration.”).

<sup>26</sup> Congress subsequently removed the January 1, 1975 deadline from the statute. *See* Pub. L. No. 93-573, § 101, 88 Stat. 1873, 1873 (1974).

Sound recordings published between 1972 and 1977 were registered for the original term under **class N** and, since 1978, in class SR.

For renewal registration purposes, this category of works includes only **sound recordings** fixed and published between February 15, 1972 and December 31, 1977. Sound recordings that were fixed prior to February 15, 1972, or fixed but not published between February 15, 1972 and December 1977 are not eligible for renewal registration. To be registrable, a sound recording had to be published with the required copyright notice for sound recordings. See Section **2122.5(G)**.

**NOTE:** Certain foreign sound recordings fixed prior to February 15, 1972 or first published prior to January 1, 1978 that are not eligible for renewal registration may be eligible for registration under the provisions of the **URAA**. See **Part VII**.

#### **2122.5(A) Date of Fixation**

For renewal registration purposes, the date of fixation for a sound recording is the date when the entire series of sounds constituting the sound recording was fixed on a final master recording that is later reproduced in published **phonorecords**. Sound recordings fixed prior to February 15, 1972 are not eligible for statutory protection.

#### **2122.5(B) Derivative Sound Recordings**

Renewal registration for a derivative sound recording that was first published before 1978 must be based on the changes or additional recorded sounds contained in the new version. If the renewal claim is based on an original registration record for the derivative sound recording, it cannot extend beyond the scope of the original registration record. If the derivative sound recording was not registered for the original term, the renewal claim cannot extend to any portion of the original sound recording that was fixed before February 15, 1972 or previously published or registered.

To be registrable for the renewal term, a derivative sound recording must contain additional recorded material, or be different enough in substance from the original sound recording to be a “new work.” Changes that are purely mechanical, such as “rechanneling” or “declicking,” do not result in a “new work.” Generally, for a renewal claim to be based solely on the manipulation of sounds, the original sound recording should have been fixed in multiple tracks. In such cases, the U.S. Copyright Office will require a written statement describing how the sounds were manipulated and will refuse renewal registration unless it deems this authorship to be sufficient.

#### **2122.5(C) Eligibility of Foreign Sound Recordings**

Renewal registration of foreign sound recordings is dependent on the **nationality** and **domicile** of the author at the time of **first publication**. Renewal registration may be possible when the author was a national or domiciliary of (or, if an organization, was registered in) a country with which the United States had bilateral relations, or when the producer was a national of (or if an organization, was registered in) a country that was a party to the **Geneva Phonogram Convention** at the time of first publication (on or after March 10, 1974). See *U.S. Copyright Office, United States Copyright Relations of Current Interest (1960)*; *International Copyright Conventions (Circular 38) (1977)*.

**NOTE:** When eligibility for registration of a foreign sound recording is based solely on the provisions of the **U.C.C.**, renewal registration is not possible, but registration under the **URAA** may be possible. See **Part VII**.

#### **2122.5(D) Renewal Claims in Multi-Track Albums**

When two or more sound recordings were first published in an LP album or in a 45-inch disk or on tape (reel-to-reel, cassette, 8-track cartridge, etc.), registration for the original term was generally made for the album as a whole, unless the album contained separate copyright notices for the individual tracks. Generally, a single renewal claim should be filed for a multi-track album as a whole when it was first published with a general copyright notice for the sound recording.

#### **2122.5(E) Renewal Claim Includes Underlying Material**

The release of a sound recording on a **phonorecord** prior to 1978 published the sound recording, but it did not constitute a publication of the recorded literary, musical, or dramatic work. **17 U.S.C. § 303(b)**. Therefore, a renewal claim in a sound recording cannot include a claim in the recorded literary, musical, or dramatic work, even when an original registration record mistakenly includes a claim in the recorded material. For information regarding uncorrected errors in original registration records, see Section **2130**.

#### **2122.5(F) Renewal Claim Includes Artwork or Text on Album Cover or Insert**

To secure statutory copyright, visually perceptible authorship first published on an album cover or insert must have been first published with the statutory or **U.C.C. notice**. For renewal registration purposes, these elements must be registered separately from the sound recording, based on the separate copyright notices for the sound recording and visually perceptible authorship, unless:

- The renewal claim is based on an original registration record for the sound recording that included these elements; and
- The renewal copyrights vested in the same party and on the same date.

**NOTE:** A copyright notice for the sound recording cannot secure statutory copyright for the visually perceptible authorship.

#### **2122.5(G) Notice Requirements**

Section 19 of the **Copyright Act of 1909** provided that the copyright notice for a sound recording should contain the symbol © (*i.e.*, the letter P in a circle), the year of first publication, and the name of the copyright proprietor, or a recognized abbreviation or **alternative designation** of the proprietor. Copyright Act of 1909, *amended by* Pub. L. No. 92-140, 85 Stat. 391, 391 (1971). If no other name appears in conjunction with the notice, but the producer of the sound recording was named on the labels or containers, this name should be considered a part of the notice. The notice should appear on the album covers or on the disk covers in such a way as to give reasonable notice of the claim to copyright.

For renewal registration purposes, when a sound recording is first published with a copyright notice that does not include the name of the copyright proprietor, but the record producer is named on the album cover or labels on the tape or disk of the **phonorecord**, the record producer will be identified in the renewal registration record as the **original copyright claimant**.

**NOTE:** A copyright notice for the visually perceptible authorship on a record album cover, disk, or insert cannot secure statutory protection for the sound recording.

## 2122.6 Motion Pictures and Other Audiovisual Works

**motion pictures** and other audiovisual works were registered for the original term under **classes J, L, and M** as published and unpublished works and, since 1978, in class PA. Motion pictures include “photoplays” (feature films, television shows and videos with a dramatic plot, animated cartoons, etc.) registered in class L, and other films (such as documentaries, educational or instructional filmstrips and videos, newsreels and other television shows that are not dramatic in nature) registered in class M. Motion pictures and audiovisual works may or may not contain an integrated soundtrack. When sounds were first published as part of a motion picture or audiovisual work, they are “sounds accompanying an audiovisual work (or motion picture),” not “sound recordings.”

Audiovisual works, other than motion pictures, generally were registered for the original term in class J as photographs but they are included here with motion pictures based on the current law that defines motion pictures as a type of audiovisual work. For renewal registration purposes, audiovisual works include works such as filmstrips and **slide films** (e.g. travelogs and educational slide shows).

### 2122.6(A) Publication of a Motion Picture

Determining whether renewal registration is appropriate may depend on whether a motion picture was first published before 1978. Under the Copyright Act of 1909, **publication** was generally deemed to have taken place when prints of a film were placed on sale, sold, or distributed to the public, or to film exchanges, film distributors, exhibitors, or broadcasters under a lease or similar arrangement. The U.S. Copyright Office generally considers **syndication** to be publication.

**NOTE:** When a motion picture is published, all component elements are published to the extent they are contained within the published motion picture. See 37 C.F.R. § 202.15 (1975).

### 2122.6(B) Notice Requirements

The copyright notice for a motion picture or other audiovisual work may consist of any acceptable form of the word “copyright” or the copyright symbol, along with the name of the copyright proprietor and the year date of first publication. Generally, it should be embodied in the motion picture or filmstrip, preferably in the title frames or near them, or embodied in or after the closing credits, and should be clearly visible when projected or broadcast. For more information about copyright notice requirements, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

**NOTE:** Renewal registration may be possible when a motion picture was first published before 1978 with a copyright notice that lacks a year date, provided that the other required elements are included within the notice. By contrast, registration may be refused if the notice is illegible or otherwise fails to clearly meet the notice requirements.

### 2122.6(C) Component Element(s) of a Motion Picture

The U.S. Copyright Office considers a motion picture to be a **unitary work** in which the component parts are integral to the work as a whole. The Office generally will not register a separate renewal claim in a component element of a motion picture.

By regulation effective on May 12, 1975, renewal registration for a component element of a motion picture soundtrack (*e.g.*, music, songs, screenplay, script) is possible only when:

- A separate registration for the original term was made for that element, or
- The motion picture bore a separate copyright notice for the component element.

See [37 C.F.R. § 202.15 \(1975\)](#); [Motion Picture Soundtracks](#), [40 Fed. Reg. 12,500, 12,501 \(Mar. 19, 1975\)](#).

**NOTE:** This regulation applies only to motion pictures first published, or registered as unpublished works, before 1978.

Likewise, renewal registration is possible for a visual work or element (such as a painting or photograph) contained in a motion picture only when the work or element was registered separately for the original term, or the motion picture bore a separate copyright notice for the work.

**NOTE:** A renewal claim in a component element of a motion picture cannot be based on the original registration record for the motion picture.

### 2122.6(D) Slides, Slide Films, and Filmstrips

For renewal registration purposes, a slide film or filmstrip must have been first published with the statutory or **U.C.C. notice** for photographs. See [Section 2121.4\(A\)](#). Slides or photographs on slides that were not fixed and published in a film or video format cannot be registered as a slide film. Instead, for renewal registration purposes, each slide as first published must bear a separate copyright notice as required for photographs.

## 2123 Multimedia Works

For renewal registration purposes, when a multimedia work consists of parts that are capable of being separated and used independently, the statutory or **U.C.C. notice** must appear on each component part that contains copyrightable material. If any component part bears its own separate copyright notice a separate renewal claim must be filed for the component part. When a multimedia work was first published with a general copyright notice for the work as a whole, a single renewal claim may be filed for all component parts first published together as a self-contained unit, provided the renewal copyrights in all of the material claimed vested in the same party on the same date. If the work contains an audiovisual element the sounds may be

“sound recording” or “sounds accompanying an audiovisual work,” depending on whether they are intended to be used in conjunction with the audiovisual component. If a multimedia work does not contain an audiovisual element, the sound component (if any) must bear the copyright notice for sound recordings. For more information about copyright notice requirements, see *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* Chs. 4, 8.2, & Supplementary Practice Nos. 18, 19, 27, 29, 35 & 37 (1st ed. 1973), available at <http://copyright.gov/comp3/chap2100/doc/appendixA-noticerequirements.pdf>.

**NOTE:** Sounds do not have to be physically integrated with the audiovisual work to be “sounds accompanying an audiovisual work.”

## PART V COPYRIGHT ISSUES RELATED TO RENEWAL REGISTRATION

This Part focuses on several broad issues that affect renewal registration.

### 2124 Manufacturing Clause

Section 15 of the [Copyright Act of 1909](#) required that certain classes of works be typeset, printed, and bound in the United States to secure the full original term of copyright. Proof must be provided that such works were **manufactured** in the **United States**.

#### 2124.1 Classes of Works Subject to the Manufacturing Clause

The following works are subject to the manufacturing clause:

- All published nondramatic literary works (**books** and **periodicals**) except the following:
  - Works exempt as **U.C.C. works**.
  - Works with raised characters intended for the use of the blind.
  - Works printed or produced in the **United States** by processes not covered by the manufacturing clause. Copyright Act of 1909, *amended by* Pub. L. No. 69-464, § 15, 44 Stat. 1075 (1926).<sup>27</sup>
  - Works in a foreign language by a **foreign author** first published abroad.

<sup>27</sup> “Whether a ... book which is mimeographed, typewritten, or produced by a similar process of manual duplication is required to be so produced in the U.S. is regarded as doubtful.” *Compendium (First)* § 6.2.1.I.c (1st ed. 1973).

- Works in English, first published abroad with the statutory copyright notice, and with *ad interim copyright* secured, during the term of which copies were manufactured in the United States.
- Lithographs and photoengravings, either as illustrations in **books** or as separate works such as two-dimensional prints and labels except the following:
  - Works exempt as **U.C.C. works**.
  - Works that represent a subject located abroad and illustrate a scientific work or reproduce a work of art.
  - Works published in works other than **books** (**periodicals**, dramas, musical compositions).

**NOTE:** A book or periodical in a foreign language by a **U.S. author** had to be **manufactured** in the **United States**. If manufactured abroad, it could not be registered for full-term or *ad interim copyright* during the original term, and is not eligible for renewal registration.

*Exceptions:* A work by a **foreign author** who was **domiciled** in the **United States** at the time of manufacture and **first publication** abroad is not considered to be a **work of foreign origin**. If the work is partly in English and partly in a foreign language and it qualifies as a **U.C.C. work**, renewal registration may be possible. For situations when renewal registration may be possible for foreign works even when they were subject to the manufacturing clause at the time of publication, but failed to comply, see Section **2115.2(F)**.

### 2124.2 Effect of the Manufacturing Clause on Copyright Term

If such works did not comply fully with the manufacturing clause at the time of first publication, copyright was lost upon publication unless, in the case of an English language **nondramatic literary work** (including periodicals), *ad interim copyright* was secured. For such works, if *ad interim copyright* was secured and a U.S. edition was published and registered before *ad interim copyright* expired, copyright was extended to the full original term of twenty-eight years. If a U.S. edition was not published before *ad interim copyright* expired, copyright was lost at the expiration of *ad interim copyright*. In such cases renewal registration is not possible.

*Exception:* If a work was manufactured and published in the United States with the statutory copyright notice prior to the expiration of *ad interim copyright*, but the U.S. edition was not registered for the original term before *ad interim copyright* expired, renewal registration may be possible for both editions.

### 2124.3 Manufacturing Requirements

To comply with the manufacturing clause, all text had to be typeset and printed from plates made within the **United States**, or produced by lithographic or photoengraving processes wholly performed within the United States. If a book was first printed from type set abroad and the pages printed abroad were then reproduced in the United States by offset or other lithographic process, such reproduction may be considered to comply fully with the requirement. All binding processes, if any, had to be performed in the United States.

All illustrations and photographs within such works, as well as separate lithographs or photoengravings (aside from when the subjects represented are located abroad and illustrate a scientific work or reproduce an artistic work) reproduced by lithographic or photoengraving processes had to be wholly manufactured in the United States.

If a **published collection** was partially manufactured in the United States (including the binding, if any) renewal registration may be possible for the contributions manufactured in the United States.

## 2125 Unpublished Collections

The provision for original term registration of a collection of unpublished material as a single work affects renewal registration for works of visual and performing arts, and certain literary works prepared for oral delivery, such as lectures, addresses, and interviews.<sup>28</sup>

A renewal registration based on an original registration record for an unpublished collection may cover one, some, or all of the works contained in the collection.

An applicant may file a renewal claim for the entire collection, even if it includes works by different authors. Alternatively, an applicant may submit separate renewal claims for each work within the collection if the original registration record includes the titles of each work.

When some works are owned separately for the renewal term, separate renewal claims should be filed to clarify the author and owner information for the renewal term.

<sup>28</sup> Section 12 of the Copyright Act of 1909 provided for registration of certain classes of works in unpublished form. Pub. L. No. 60-349, § 12, 35 Stat. 1075, 1078 (1909). By Office practice, such works could be registered together for the original term as an unpublished collection when all of the following conditions were met:

- The collection was assembled in an orderly arrangement;
- The collection bore a single title identifying the collection as a whole;
- The collection as a whole is the subject of a single claim of copyright;
- All of the component works are by the same author, or (if the component works are by different authors) the collection as a whole represents the work of a single author in its compilation; and
- The component works are all of the same class, or the component works are principally of the class in which the collection is to be registered.

*Compendium (First) Supplementary Practice No. 3.*

## 2126 Published Collections

When separate, distinct works are assembled and published together in a **collection**, renewal registration may be possible for both the **collection** and the **contributions**. The extent of a renewal claim in a published collection<sup>29</sup> as a whole depends on the statutory basis of the renewal claim.

Generally, when the published collection is a personal work the renewal claim cannot extend beyond the authorship contributed by the individual author, regardless of the extent of the original registration record. Likewise, when the renewal copyright is claimed on the basis that the work is a posthumous work, a work made for hire, or a work copyrighted by a corporate body other than as an assignee or licensee, the renewal claim cannot extend beyond the material that was published posthumously, or created as a work made for hire, or copyrighted by the corporate body.

Generally, when the published collection is a **composite work**, the renewal claim may extend to the entire work. In such cases, however, the U.S. Copyright Office may request **examining material** or additional information to determine whether the extent and the statutory basis of the renewal claim are appropriate.

To be registered for the renewal term as a composite work, a published collection must be a literary work that consists of separate, distinct **contributions** by a number of authors on a variety of subjects. For example, a proprietor may claim the renewal copyright in an encyclopedia having separate, distinct contributions by various authors, or an anthology of poetry by a number of authors on a variety of subjects. By contrast, a work that does not qualify as a book, or a work created by only a few authors cannot be registered for the renewal term as a composite work.

*Exception:* When the contributions first published in a collection bear separate copyright notices, renewal registration for the published collection does not extend to the contributions, regardless of the statutory basis of the renewal claim, and even when the renewal copyrights in the contributions and the published collection as a whole vested in the same party on the same date. In such cases, renewal registration for the collection should be limited to the compilation or editorial authorship. For more information about registration of a contribution first published with a separate notice, see Section 2127.

*To be registered for the renewal term on the statutory basis of being a composite work, a published collection must be a literary work having separate, distinct contributions by a number of authors on a variety of subjects. For example, a proprietor may claim the renewal copyright in a periodical or encyclopedia having separate, distinct contributions by various authors, or in an anthology of poetry by a number of authors on a variety of subjects on the basis that the work is a composite work. By contrast, a proprietor may not claim the renewal copyright in a work such as a collection of short stories or poems by only a few authors on the basis that the work is a composite work.*

<sup>29</sup> While the Copyright Act of 1909 and Office regulations did not refer to or define the term “collective work,” many nondramatic literary works published before 1978 were registered for the original term as “collective works” between 1978 and 2005. In addition, this term has been generally used for renewal registration purposes to describe published works in which an individual author may claim the renewal copyright in a contribution separate from the collection as a whole, as in a “contribution to a collective work.” Recently, however, the Office has determined that the term “collective work” is not applicable to renewal registration. Therefore, the *Compendium of U.S. Copyright Practices, Third Edition* uses the term “published collection” to refer to published works that are collective, rather than unitary, in nature.

**NOTE:** While a renewal claim in the name of the proprietor of a **composite work** may be made in the work as a whole, it is unclear whether the proprietor's right to the renewal copyright extends to all parts that are not separately renewed. For works subject to the **manufacturing clause**, a renewal registration on this basis does not extend to any **contribution** or separate, distinct **work or element of authorship** that did not secure the full original term of copyright.

**NOTE:** Composite works and published collections do not include joint works or other unitary works which have overarching elements (such as a novel) or a common design consisting of component elements that are integral to the work as a whole (such as a motion picture).

## 2127 Contributions to Periodicals, Published Collections, and Other Larger Works

The Copyright Act of 1909 provided for original registration of contributions by **individual authors** to periodicals, and renewal registration of contributions to periodicals, encyclopedic, or other composite works. **Copyright Act of 1909, Pub. L. No. 60-349, §§ 12, 23, 35 Stat. 1075, 1078, 1080 (1909)**. The U.S. Copyright Office has expanded the scope of this provision with regard to renewal registration to include:

- Contributions by individual authors to **published collections**;
- **Separate works and elements of authorship** first published in other types of larger works; and
- Contributions that were created as **works made for hire**.

When a contribution or separate work or element of authorship was first published with its own separate copyright notice, it must be registered separately for the renewal term, even when it was registered for the original term together with the collection or as part of the larger work. For information regarding uncorrected original registration records, see Section 2130.

**NOTE:** Separate registration for a contribution to a **joint** or other **unitary work** is not possible, even when the contribution is separable from the work as a whole, unless the contribution was registered separately for the original term, or the unitary work as first published bore a separate copyright notice for the contribution. If the contributor is an author of the unitary work, a renewal claim may be registered in the unitary work as a whole, but not in that author's contribution, separate from the work as a whole.

## 2128 Group Renewal Registration

The current law provides for a single renewal registration of a group of works by the same **individual author** that were first published as contributions to **periodicals** within the same calendar year. One of the criteria, however, makes that provision applicable only to **timely renewal registration**.<sup>30</sup> **17 U.S.C. § 408(c)(3)**. Once timely renewal registration ended for the last works

<sup>30</sup> The Office interpreted this provision broadly to include a variety of works by the same individual author (such as textual articles, cartoons, photographs, musical works) that were first published as separate, distinct works of authorship in **periodicals**, and other larger works, including serials and **published collection**, published within the same calendar year, and until 2006, did not require that such renewal claims be filed during the **renewal filing period**.

that secured copyright under the Copyright Act of 1909, the U.S. Copyright Office determined that group renewal registration should no longer be made. Therefore, as of 2006, group renewal registration has not been available.

### 2129 Joint Works and Other Unitary Works

Generally, when a work is **unitary** in nature the renewal claim should include all of the authorship claimed in the original registration record or first published in the work, unless any portion of the work is preexisting or separately owned for the renewal term. This principle is in contrast with renewal registration of works that are collective in nature, where the renewal claim generally must be limited to the compilation or editorial authorship contributed by the **individual** or **proprietary author**. See Section 2126.

### 2130 Uncorrected Errors in Original Registration Records

Generally, when a renewal claim is based on an original registration record, it should reflect the facts given in the original registration record. However, when that record contains an error that was not corrected during the original term and the error is presented to the U.S. Copyright Office at the time of renewal registration, the Office may allow the renewal registration record to state the correct facts if those facts are supported and will result in a more useful and accurate renewal registration record. For information regarding renewal claims with new or different information, see Section 2134.

### 2131 Corrected Original Registration Records

The Copyright Act of 1909 did not provide for correction of registration records, but U.S. Copyright Office regulations allowed the Office to correct its own errors. Initially, most errors (other than Office errors) were addressed by **recording a document** against the registration record. Later the Office made other corrective actions available to applicants, including **corrective registration** and filing a new basic registration. The appropriate use of these corrective actions depended on whether the work was published or unpublished and the effect the error had on the validity of the original registration record.

The Copyright Act of 1976 provided for **supplementary registration**, which then became the primary means of correcting and amplifying registration records, including original registration records for works that secured copyright under the 1909 Act. **17 U.S.C. § 408(d)**.

Generally, it is no longer possible to correct or amplify information in an original registration record for works that secured copyright protection under the 1909 Act, because the original term has expired. See **Supplementary Registration, 81 Fed. Reg. 86,656, 86,660 & n.23 (Dec. 1, 2016)**. In an exceptional case, the Office may accept an application to correct or amplify the information in this type of registration if it is supported by clear, convincing, and objective documentation. **37 C.F.R. § 202.6(d)(6)**. In such cases, the Office may require the applicant to record the supporting documents.

The Office will refuse to issue a supplementary registration if the applicant attempts to change the original copyright claimant, the identity of the work, or the publication information or status of the work, because this could affect the validity or duration of the copyright or the validity of

the original registration record. Likewise, the Office typically will refuse to issue a supplementary registration if the applicant attempts to make similar changes in a renewal registration record. *Id.* § 202.6(d)(5).

When a renewal claim is based on an original registration record that refers to, or is cross-referenced with a corrective action, the effect on renewal registration generally depends on the corrective action. Typically, the Office generally will not register a renewal claim based on an original registration record that was corrected by a **corrective registration**, because it generally superseded the original registration. By contrast, when an original registration record was corrected by **supplementary registration**, a renewal claim cannot be based on the supplementary registration record, because a supplementary registration cannot supersede an original registration. Similarly, when a document was recorded to add or correct information in an original registration record, the Office will take that information into consideration and will inform the applicant of the recorded document when it appears the applicant is unaware of it.

**NOTE:** When a renewal claim is based on an original registration record that is cross-referenced with a supplementary registration, or refers to a corrective registration or a recorded document, the Office will add an annotation to the certificate of renewal registration and a note in the renewal registration record regarding the registration or recordation.

For information regarding a renewal registration based on uncorrected original registration records, see Section 2130. For information about filing a renewal claim with new or different information from the original registration record, see Section 2134. For information about correcting or amplifying the information in a renewal registration record, see Section 2138.

## 2132 Cancelled or Abandoned Original Registration Records

While U.S. Copyright Office regulations did not provide for cancellation of records under the Copyright Act of 1909, Office practices required that certain registration records be cancelled when an Office error caused a record to be entered in error or in the wrong class, or when there was lack of payment. 37 C.F.R. § 201.5 (1977). Sometimes a party recorded a document to “**abandon**” a particular registration record they had made. When an original registration record was cancelled or was putatively abandoned by the applicant by **recordation** of a document, the Office generally will refuse a renewal claim based on the cancelled or “abandoned” registration record. If it appears, however, that the work may have secured the full original term of copyright and may be eligible for renewal registration, the Office will advise the applicant accordingly. When a renewal registration is based on an “abandoned” original registration record, the Office will add an annotation to the certificate of renewal registration certificate and a note in the registration record regarding the recorded document.

## 2133 Abandonment of Copyright

When a renewal claim is based on an original registration record that refers to a **recorded document** purporting to **abandon the copyright** in the work, the U.S. Copyright Office may register the renewal claim if, after advising the renewal applicant of the recorded document, the applicant verifies that no other action was taken to notify the public of the intent to abandon the copyright and reasserts the claim to the renewal copyright. If the author or proprietor took further action to notify the public of the intent to abandon the copyright (such as authorizing the publication of a statement in a number of well-known newspapers that the property rights in a particular

work would no longer be enforced), the Office may refuse to register the renewal claim based on the original registration record.

#### **2134 New or Different Information from the Original Registration Record**

Generally, when a renewal claim is based on an original registration record, it should reflect the facts given in that record. However, the U.S. Copyright Office may register renewal claims that contain facts not stated in the original registration record when such facts make the renewal registration record more useful or accurate. When a renewal claim provides information that is different from information in the original registration record, the applicant must provide supporting documentation, and **recording** may be required. For information regarding uncorrected original registration records, see Section **2130**.

When the statutory basis of a renewal claim is inconsistent with the author facts in the original registration record, the Office will advise the renewal applicant of the inconsistency and inquire about the circumstances under which the work was created. If the basis of the renewal claim indicates that the work is a proprietary work, the Office will request information to verify that the requirements to claim the renewal copyright under one of these exceptions are met. If the renewal claim is adverse to a renewal claim in process or a renewal registration already on the record, see Section **2137**.

**NOTE:** The Office will refuse to register a renewal claim that is based on, or contains, new information that calls into question the term of copyright or the validity of the original registration record. It may also refuse to register a renewal claim with information that cannot be supported or, in some cases verified by a **knowledgeable source**, or appears on its face to be implausible.

#### **2135 Effect of Change of Policy**

When an original registration was entered into the record under U.S. Copyright Office policies then in effect, a renewal claim based on that original registration record generally will be registered, even when, under current policies, the original registration would not be entered.

## **PART VI POST-RENEWAL REGISTRATION ISSUES**

#### **2136 Multiple Renewal Claims, Including Duplicate Claims**

Once a renewal registration is made in a work, registration of a later claim will depend on whether that claim provides additional ownership information for the renewal term that appears on its face to be valid. Generally, the U.S. Copyright Office will register a renewal claim that identifies at least one **vested owner** who is not identified as such in the renewal registration records for that work. The Office will not knowingly register a duplicate renewal claim, *i.e.* a renewal claim that identifies the same vested owner on the same statutory basis as an earlier renewal registration record for the same work.

When a renewal claim is filed to identify the **current owner** of the renewal copyright who derived that right directly or indirectly from a party already identified as a **statutory renewal claimant** or vested owner in a renewal registration record, the Office will refuse renewal registration and will suggest **recording** to show the change of ownership, unless the renewal claim is **adverse** to another renewal claim that is pending or already entered into the registration record. For a discussion of adverse renewal claims, see Section 2137.

### 2137 Adverse Renewal Claims

An adverse renewal claim presents ownership facts for the renewal term that appear to be valid, but are in conflict with another pending renewal claim or completed renewal registration record. When such conflicts are brought to the U.S. Copyright Office's attention, the Office will attempt to notify all parties involved in the dispute based on information in its records. The Office's general practices for adverse claims apply to adverse renewal claims. For information concerning these practices, see **Chapter 1800**, Section 1807.

*Exceptions:* When a **timely renewal registration** was made, the Office will add an annotation on the later certificate of renewal registration and a note in the registration record regarding the timely renewal registration, even when the renewal claims are adverse. Also, when the statutory basis of a renewal claim is **inconsistent** with the author facts established in an original registration record, or with information available at the time the renewal claim is filed, the Office may require documentation to support the renewal claim, even when the renewal claim is adverse to a pending renewal claim or completed renewal registration record.

When a renewal claim is based on asserted facts that appear to be invalid or implausible, the Office will refuse registration as an adverse claim unless the applicant provides documentation that, in the view of the Office, sufficiently supports the asserted facts. In such cases, the Office may require **recording** of the document(s) to support the renewal claim, or in lieu of registration.

**NOTE:** A renewal claim is not adverse simply because its statutory basis is **inconsistent** with the author facts in the original registration record on which it is based. See Section 2134.

### 2138 Correcting and / or Amplifying Information in a Renewal Registration Record

A supplementary registration is a special type of registration that may be used “to correct an error in a copyright registration or to amplify the information given in a registration,” including a renewal registration. **17 U.S.C. § 408(d)**; **37 C.F.R. § 202.6(b)(ii)**. Specifically, it identifies an error or omission in an existing registration and places the corrected information or additional information in the public record.

Generally, the U.S. Copyright Office will not accept a supplementary registration that presents information that is adverse to the facts stated in the renewal registration record. When renewal registration is still possible, the Office may encourage the applicant to file an adverse renewal claim. For information regarding adverse situations, see Section 2137. When renewal registration is not an option, the Office may encourage the applicant to record any relevant documents rather than seeking a registration.

For general information concerning the procedure for seeking a supplementary registration, see **Chapter 1800**, Section 1802.

### 2138.1 Appropriate Use of Supplementary Registration

With regard to renewal registration records, supplementary registration is generally appropriate to correct or amplify extremely minor errors or omissions or to provide updated contact information. *See* 37 C.F.R. § 202.6(d)(5). Such information may include:

- New or alternate titles or other identifying information for the work.
- Pseudonyms, fuller name forms, legal name changes or other identifying information by which an author or **vested** or **current owner** was or is now known.
- Current addresses and contact information for vested or current owners, and rights and permission holders.
- Incorrect spelling or punctuation.

In exceptional cases, supplementary registration may be appropriate to correct the identity of a **statutory renewal claimant** or **vested owner** if “clear, convincing, and objective documentation is submitted to the Copyright Office which proves that an inadvertent error was made in failing to designate the correct living statutory renewal claimant in the basic renewal registration.” *Id.* Such documentation may consist of a death or marriage certificate, a published obituary or death notice, a will, a court order, an assignment or other legal agreement or document of transfer.

Supplementary registration may also be appropriate to correct the basis of claim for a statutory renewal claimant or vested owner. *See id.* Again, the Office may require documents to prove that the basis is accurately stated and appears to be valid. In these exceptional cases, the Office may require that the supporting documentation be **recorded**. In such cases, a reference to the recorded document will be added to the certificate of supplementary registration and to the supplementary registration record.

**NOTE:** Supplementary registration is not appropriate to identify additional statutory renewal claimants or vested owners in a renewal registration record, except in exceptional cases when the renewal registration record fails to identify a party who was entitled to claim the renewal copyright. *See* Section 2138.3.

On a case-by-case basis, supplementary registration may also be appropriate to correct current owner information or other information, such as the means by which, or the party from whom, that owner obtained the renewal copyright. It may also be used to amplify the renewal registration record by providing current contact information for this party.

### 2138.2 Parties Authorized to File for Supplementary Registration

Parties authorized to file for supplementary registration pertaining to renewal registration records include the party who filed the renewal claim and those identified in the record as a **statutory renewal claimant**, **vested owner**, or **current owner** of the renewal copyright, or their representatives. The U.S. Copyright Office may also accept a supplementary registration certified by a **successor** or **assignee** of a statutory renewal claimant, a vested owner, or current owner.

### 2138.3 Inappropriate Use of Supplementary Registration

With regard to renewal registration records, supplementary registration cannot be used:

- To correct or amplify a fact that was established in an original registration record.

*Exception:* When an original term registration record contains an error or omission of fact pertaining to a previous registration that affects the term of copyright, the U.S. Copyright Office may accept a supplementary registration to add this information to a renewal registration record.

- To identify additional **statutory renewal claimants** in a **timely renewal registration** record.
- To identify additional **vested owners** in a **renewal term registration** record.

*Exception:* For an exception to this rule, see Section **2138.1**.

- To identify the **assignee** or **successor** to a statutory renewal claimant or vested owner in a renewal registration record that was filed in the name of the vested owner.

*Exception:* For an exception to this rule, see Section **2138.1**.

- To identify an assignee or successor who acquired the renewal copyright since the **effective date** of the renewal registration.
- As a substitute for **renewal term registration**.
- When, as a result of the correction or amplification, a renewal registration record would be invalidated or provide information that is **adverse** to the facts established in the renewal registration record. In such cases the Office may cancel the renewal registration record (Section **2140**), and/or advise that a separate renewal claim be filed (Section **2137**) or a document be recorded (Section **2139**).

**NOTE:** In lieu of supplementary registration, an assignment or other document of transfer may be **recorded** in the instances listed in the fourth and fifth bullet points above. The recorded document will not be cross-referenced with the renewal registration record.

### 2139 Recordation

With regard to renewal registration, documents may be recorded to support or provide proof of facts for a renewal claim or a supplementary registration, or to document life events, or to provide a public record of copyright assignments or other legal documents pertaining to the renewal copyright. Generally, a recorded document is not cross-referenced with a renewal registration record. However, a reference to a recorded document will be added to a certificate of renewal registration and to the renewal registration record when it provides support for the facts, or when the original registration record referred to the recorded document.

When **supplementary registration** is not possible or appropriate (such as, when the author facts stated in an original registration record are disputed, or the renewal copyright is transferred after

the effective date of renewal registration), recordation may be the most appropriate means of providing information in the public record regarding a work or its renewal copyright.

### 2139.1 Types of Documents that May be Recorded

Any document pertaining to copyright(s) may be recorded, even if the work(s) to which it pertains have not yet been registered. For information about recordation, see [Chapter 2300](#).

### 2139.2 When Recordation May Be Required

With regard to renewal registration, the U.S. Copyright Office may require that a document be recorded in the following circumstances:

- A renewal claim is based on an author who is not identified in the original registration record or, if the work was not registered for the original term, in the deposit copy.
- A supplementary registration seeks to correct a [statutory renewal claimant](#) or a [vested owner](#), and/or an [assignee](#) or [successor](#) identified in a renewal registration record.
- A supplementary registration seeks to correct the statutory basis for a claim to the renewal copyright.
- A renewal claim or a supplementary registration related to a renewal registration record is based on a court order.
- When, at the discretion of the Office, a public record is needed to support a renewal registration record or a supplementary registration related to a renewal registration record.

In such cases, a reference will be added to the certificate of renewal registration and to the renewal registration record, although the recorded document will not be cross-referenced with the renewal or supplementary registration record.

### 2140 Cancellation of Renewal Registration Records

The U.S. Copyright Office will not cancel a renewal registration record unless it qualifies for cancellation under [37 C.F.R. § 201.7](#). Generally, a request to cancel a renewal registration record should come from the party who filed the renewal claim, or a successor or assignee of that party. The fact that this party did not represent one or more of the statutory renewal claimants or vested owners at the time of renewal registration may not be sufficient cause to cancel a record. Instead, the Office may require that the party correct or amplify the record by supplementary registration. For additional information concerning cancellation, see [Chapter 1800](#), Section 1806.

### 2141 Referral of Renewal Registration Records

The U.S. Copyright Office will not refer a renewal registration record for correction or cancellation unless the record contains an error the Office should have recognized at the time of registration, or the Office made an error, or in some way failed to properly process the renewal

claim. Administrative action will depend on the error and its effect on the renewal registration record. In certain cases the **effective date** of the renewal registration record may be affected and, if an applicant fails to respond to Office correspondence or remedy the deficiency, the renewal registration record may be cancelled. For additional information concerning referrals, see **Chapter 1800**, Section 1804.

**NOTE:** It is the applicant's responsibility to identify the proper **statutory renewal claimant** or **vested owner**. Once a renewal registration record has been entered, the Office will not refer the record or take administrative action to correct this error.

## PART VII COPYRIGHT RESTORATION OF FOREIGN WORKS GOVERNED BY THE COPYRIGHT ACT OF 1909

### 2142 Restored Copyrights for Works Governed by the Copyright Act of 1909

The Uruguay Round Agreements Act (“**URAA**”), which took effect in the United States on January 1, 1996, provides for automatic restoration of statutory protection in the United States on that date (or the date of adherence or proclamation of the **source country**, if later) for certain works whose copyrights in the United States had been lost due to noncompliance with formalities (such as first publication without a copyright notice, noncompliance with the **manufacturing clause**, or failure to register a basic or renewal claim before the original term expired) or due to lack of eligibility or subject matter protection (in the case of **sound recordings**). For a copyright to be restored under this provision, the work had to have met certain criteria at the time of creation and **first publication**.

The URAA applies to pre-1978 works as well as post-1978 works. Generally, the provisions apply to published **works of foreign origin**, but they also may apply to certain unpublished works that were registered for the original term, or in the case of sound recordings, to those fixed prior to February 15, 1972.

For a general discussion of restored works and the registration requirements for such works, see **Chapter 2000**, Section 2007.

### 2143 Renewal Registration Not Appropriate for Restored Copyrights

To be eligible for **renewal term registration**, a work must have secured statutory protection by **first publication** with the statutory or **U.C.C. notice** (or soon thereafter by **ad interim registration**), or by registration as an unpublished work, and continued to meet all statutory requirements to maintain copyright through the full original term and into the renewal term. Therefore, a work that failed to secure copyright in the United States at the time of first publication, or lost it at any time during the original or renewal terms, is not eligible for renewal registration, even when copyright was restored in the United States under the provisions of the URAA.

## 2144 Copyright Terms for Restored Copyrights

Under [Section 104A](#) of the [Copyright Act of 1976](#), restored works enjoy the remainder of the term that would have been granted in the United States had the copyrights not been lost. [17 U.S.C. §104A\(a\)\(1\)\(B\)](#). Therefore, a work that initially secured copyright under the Copyright Act of 1909 by first publication with notice, or by registration as an unpublished work, but lost copyright at some point and then regained it under the [URAA](#), enjoys the same term it would have been granted in the United States if copyright had remained uninterrupted. Likewise, a work that failed to secure copyright in the United States at the time of first publication enjoys the same term of copyright it would have been granted in the United States if statutory copyright had been secured upon publication.

**NOTE:** Some [works of foreign origin](#) first published abroad may have secured statutory copyright in the United States even when publication occurred without the statutory or [U.C.C. notice](#). See [Section 2115.2\(F\)](#). If statutory copyright was secured in the United States and remained uninterrupted into the renewal term, registration under the [URAA](#) is not appropriate.

## 2145 Registration Under the URAA After Copyright in Source Country Has Expired

Provided a [work of foreign origin](#) met the eligibility requirements for restoration of copyright as of January 1, 1996 (or as of the date of adherence or proclamation of the [source country](#), if later), registration under the provisions of the [URAA](#) is possible for works governed by the Copyright Act of 1909 as long as the work remains under statutory protection in the United States.

## PART VIII GLOSSARY OF TERMS

This Glossary provides brief explanations of certain terms that are relevant to renewal registration. Definitions that are taken directly from the Copyright Act of 1909, the Copyright Act of 1976, or the Office’s regulations are enclosed in quotation marks. Definitions that are not enclosed in quotation marks are not legal definitions; they are intended to educate and inform legal practitioners and members of the public who file and U.S. Copyright Office Registration Program staff who examine renewal claims.

**NOTE:** This Glossary only applies to Chapter 2100; it does not apply to any other chapter in the *Compendium of Copyright Office Practices, Third Edition*.

**Abandonment.** When a copyright owner seeks to abandon a copyright, the copyright owner must take concrete steps to manifest the intent to abandon the copyright and let the public know. Recording a document of intent to abandon a copyright with the U.S. Copyright Office is one such means of manifesting such intent. Such action may not have any legal effect as against a third party owner, such as an heir or other successor in interest or joint owner. When a copyright owner sought to abandon a copyright registration, recording a document was an appropriate means under [37 C.F.R. § 201.5\(a\) \(1977\)](#)<sup>31</sup> of informing the Office and the public that a registration was made in error.

31 “No correction or cancellation of a Copyright Office registration or other record will be made (other than a registration or record provisional upon receipt of fee as provided in 201.6) after it has been completed if the facts therein stated agree with those supplied the Office for the purpose of making such record. However, it shall be within the discretion of the Register of Copy-

**Absence of a will.** For purposes of renewal registration, this occurs when an author dies intestate or leaves a will that names no **executor**, or no executor is alive or exists at the time of renewal registration.

**Acceptable alternative designation.** A generally known alternative name by which the copyright proprietor can be recognized. It may be either part of the full name or a completely different name or well-known initials. If the alternative designation in the notice reasonably identifies the copyright proprietor to those who come in contact with the copies, the notice is acceptable.

**Ad interim copyright.** *Ad interim* copyright was a short-term U.S. copyright available for English language **books** and **periodicals** that were manufactured and first published abroad prior to 1978. Its purpose was to secure temporary U.S. protection for a work pending the manufacture and publication of an edition in the United States. For works published abroad between 1949 and 1977, it was secured by registration within six months of first publication abroad and lasted for a maximum of five years from first publication. If the work was manufactured and published in the United States before *ad interim* copyright expired, copyright was then extended to the full term of twenty-eight years. *Ad interim* copyright was also automatically extended to the full original term if it was subsisting when the country where the author was a **national** joined the **U.C.C.**

**Administrator (c.t.a. or d.b.n.c.t.a.).** A person appointed by a court who performs the identical functions of an **executor** (*administrator cum testamento annexo* - administrator c.t.a.). When an estate has been settled and the executor discharged, or when the executor is removed before the estate is completely administered, the court may appoint an *administrator de bonis non cum testamento annexo* (administrator d.b.n.c.t.a.) to deal with the remaining or after-acquired property under the will.

**Adverse renewal claim.** A claim to the renewal copyright that is in conflict with another renewal claim in process or already on the record.

**Anonymous work.** “An ‘anonymous work’ is a work on the copies or **phonorecords** of which no natural person is identified as author.” **17 U.S.C. § 101.**

**Assignee.** A party that has acquired the renewal copyright in a work by assignment or other written document of transfer from the **vested owner** in whose name no renewal registration was previously made.

**Author.** See “**individual author.**”

**Berne Union.** The International Union for the Protection of Literary and Artistic Works established under the Berne Convention of 1886 and its revisions (Paris, 1896; Berlin, 1908; Rome, 1926; Brussels, 1948; Paris, 1971). Countries that adhere to one or more of the conventions are members of the Berne Union. Protection under these conventions is extended without formalities to works on the sole condition that **first publication** take place in a country that belongs to the Berne Union. It is administered by the World Intellectual Property Organization (WIPO). The United States did not become a member of the Union until 1988 and its provisions did not

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rights to determine if any particular case justifies the placing of an annotation upon any record for the purpose of clarification, explanation, or indication that there exists elsewhere in the records, indexes or correspondence files of the Office, information which has reference to the facts as stated in such record.” **37 C.F.R. § 201.5(a) (1977).**

take effect in the United States until March 1, 1989. Therefore, eligibility for renewal registration cannot be based on the Berne Convention. Protection of **U.S. works** in member countries prior to that date could be obtained by first or simultaneous publication in a Berne Union country.

**Buenos Aires Convention of 1910.** See “**Pan-American Conventions.**”

**Books.** Published nondramatic literary works, with or without illustrations. Common examples are fiction, nonfiction, poetry, compilations, directories, catalogs, dissertations, theses, reports, and tables of information, when such works have been published. Books may take the form of bound or loose-leaf volumes, pamphlets, brochures, leaflets, cards, and single pages containing solely text. For renewal registration purposes, unpublished manuscripts are not considered “books.” Also, unpublished works prepared for oral delivery, such as sermons, lectures, addresses are not “books” for renewal registration purposes.

**Child or Children.** The progeny of an author. A renewal claim may be registered in the name of an author’s illegitimate child, whether acknowledged or not, or in the name of an adopted child, but not in the name of a step-child or grandchild of an author.

**Composite work.** For renewal registration purposes, an original literary publication in which a proprietor is entitled to claim the renewal copyright. The work must incorporate contributions from a number of different authors on a variety of subjects. Composite works may contain distinct and separate contributions, as in a **periodical** or **published collection**, or indistinguishable contributions, as in a dictionary. A **unitary work** such as a song or a motion picture is not a composite work.

**Computer program.** For renewal registration purposes, a set of operating instructions for a computer including perhaps a compilation of reference information to be drawn upon by the computer in solving problems. In most cases, the preparation of computer programs involves substantial elements of gathering, choosing, rejecting, editing, and arranging material. Some programs also embody verbal material which is written by the programmer and can be considered literary expression.

**Contribution.** For renewal registration purposes, a separate, distinct work of authorship first published in a **periodical** or **collection** that can be exploited independently for the renewal term.

**Corrective registration.** An entirely new registration that was made in certain instances to correct an error in an original registration record that could not have been known by the U.S. Copyright Office. A corrective registration required the same application, deposit copy(ies), and filing fees as required for the original registration it corrected. Under the Copyright Act of 1976, **supplementary registration** generally, but not exclusively, replaced this registration option.

**Current owner (of the renewal copyright).** An **assignee** or **successor** that acquired all U.S. rights in the renewal copyright either directly or indirectly from the **vested owner**.

**Date of (first) publication.** “[T]he earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority . . .” Copyright Act of 1909, *amended by* Pub. L. No. 80-281, § 26, 61 Stat. 652, 659-60 (1947).

**Derivative work.** “A ‘derivative work’ is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a

work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications, which, as a whole, represent an original work of authorship, is a ‘derivative work.’” [17 U.S.C. § 101](#).

**Domicile.** The place where a person has a fixed and permanent residence for an unlimited time and to which such person, whenever absent, has the intention of returning. An author is generally regarded as “domiciled” in a country if he intends to make his permanent residence there. Residence is not the equivalent of domicile and cannot serve as a basis for determining eligibility. For renewal registration purposes, domicile in the United States includes all States, the District of Columbia, Puerto Rico, Panama Canal Zone, Virgin Islands, and Guam.

**Dramatic work.** A work that tells a story by means of dialog or acting and is intended to be performed. It gives directions for performance or represents all or a substantial portion of a story as actually occurring rather than merely being narrated or described. Such works may contain musical and choreographic elements.

**Examining material.** Material that may be requested by the U.S. Copyright Office, even when deposit material is not required, in order to determine the content or nature of the work or whether a work (or the larger work), as first published met all requirements for renewal registration. Such material may consist of a complete copy of the work as first published or identifying material taken directly from the work as first published. Such material is used only for examining purposes and will be retained by the Office and stored in the correspondence record.

**Executor.** A person named as such in a will and qualified in probate proceedings. For renewal registration purposes, the right to claim as “executor” is a personal right and the renewal claim should name the individual executor, although the executor claims on behalf of the author’s legatees.

**Foreign author.** For renewal registration purposes, an author who was not a **national** or **domiciliary** of the **United States** or a **U.C.C. country**, or a **stateless** person at the time of **first publication**. An author who was a domiciliary of the United States at the time of first publication is considered to be a **U.S. author**, regardless of nationality.

**Geneva Phonogram Convention.** The **Convention** for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms (concluded on October 29, 1971). This Convention granted record producers the international right to block imports of counterfeit music recordings and to take action against distributors and retailers who sold them. It did not grant performing rights. It required the term of protection be at least twenty-five years from the date of either fixation or first publication. The Senate ratified U.S. adherence to the Convention on October 1, 1973, effective March 10, 1974. See *U.S. Copyright Office, United States Copyright Relations of Current Interest (1960)*.

**Inconsistent renewal claim.** A renewal claim that is based on author facts that are not supported by the facts in the original registration record.

**Inconsistent and adverse renewal claim.** A renewal claim based on author facts that are not supported by the facts in the original registration record, and which is also adverse to a renewal claim in process or already on the record.

**Identifying material.** For renewal registration purposes, deposit material that is not the complete work as first published, or an exact, complete photocopy of that edition, or a reprint edition or a reissue or rerelease of the work as first published. Identifying material includes a revised

edition, or a damaged or incomplete copy that contains a preponderate amount of the material claimed, or it may consist of specific portions from the work as first published. Identifying material is generally accompanied by written verifications as required by the U. S. Copyright Office. When the deposit material consists solely of identifying material, renewal registration will be considered only in exceptional circumstances and may be made under a grant of **special relief** or the **rule of doubt**, unless the work is a **contribution** or a **separate work or element of authorship** first published in a larger work.

**Individual author.** For renewal registration purposes, the individual who personally wrote or created renewable matter in the work. Does not include employers for hire or any non-personal entity identified as an author in an original registration record; such entities are referred to as **proprietary authors**.

**Joint work.** “A ‘joint work’ is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole.” **17 U.S.C. § 101**. The U.S. Copyright Office applies the definition of “joint work” in the Copyright Act of 1976 to renewal claims because the term was not defined in the Copyright Act of 1909 and case law prior to 1978 did not provide clear guidance. While the Fifth Circuit ruled in 1934 that the renewal claim in the name of the widow of the author of the preexisting text did not extend to the illustrations added fifteen years later because the illustrations were revisions to a preexisting work that were of a separate and distinct nature by another person,<sup>32</sup> the Second Circuit reached the opposite conclusion in 1946<sup>33</sup> and 1955,<sup>34</sup> finding that the mere fusion of effort could result in a joint work and that a preconceived common design or active collaboration among the authors was no longer required. For renewal registration purposes, a work is considered to be a “joint work” only as this concept found its way into the Copyright Act of 1976. For a general discussion of joint works, see **Chapter 500**, Section 505.

**Knowledgeable source.** For renewal registration purposes, an author of record **original copyright claimant**, or a representative of such parties, or a third party having personal knowledge or access to documents relating to the creation and publication of a work, such as an editorial officer of the original publishing house or the producer of a motion picture.

**Manufacturing clause.** Section 16 of the Copyright Act of 1909 (as revised in 1954) required that most English language **books** and **periodicals** be printed and bound in the United States to secure the full original term of copyright. Copyright Act of 1909, *amended by* Pub. L. No. 83-743, § 9(c), 68 Stat. 1030, 1031 (1954). These works had to be printed from type set by hand or typesetting equipment in the United States or from plates made in the United States, or the lithographic or photoengraving processes had to be performed in the United States and they had to be printed and bound in the United States. The requirement also applied (with exceptions) to separate prints and labels, and to pictorial illustrations first published in **books**. If such works, or portions of them, were not manufactured in the United States, renewal registration is not possible. As carried into the Copyright Act of 1976, the clause applied only to published English language nondramatic literary material, prohibiting, except under certain conditions, the impor-

32 *Harris v. Coca-Cola Co.*, 73 F.2d 370 (5th Cir. 1934).

33 *Shapiro, Bernstein & Co., Inc. v. Jerry Vogel Music Co., Inc.*, 161 F.2d 406 (2d Cir. 1946).

34 *Shapiro, Bernstein & Co., Inc. v. Jerry Vogel Music Co., Inc.*, 221 F.2d 569 (2d Cir. 1955).

tation and public distribution in the United States of copies that were not manufactured in the United States or Canada. It no longer had an effect on securing copyright in such works, or the term of copyright. The clause was allowed to expire on June 30, 1986 and was repealed in 2010. See Pub. L. No. 97-215, 96 Stat. 178, 178 (1982); Copyright Cleanup, Clarification, and Corrections Act of 2010, Pub. L. No. 111-295, § 4(a), 124 Stat. 3180, 3180 (2010). For a general discussion of the manufacturing clause, see Section 2124.

**Motion picture.** A series of pictures presenting to the eye the illusion of motion, which pictures are projected on a screen or transmitted by means of television or otherwise, and have as their origin a series of connected pictures on film or other recording media. Motion pictures were classified for registration purposes before 1978 as “photoplays” or “other than photoplays.” This description grew out of the early silent films, and as late as 1973 the U.S. Copyright Office took no position on whether a copyright in a motion picture covered the integrated soundtrack portion of the work. In 1975, the Office took the position, for registration purposes, that any copyrightable component part of a motion picture soundtrack is considered an integral part of a motion picture. See 37 C.F.R. § 202.15 (1975); **Motion Picture Soundtracks**, 40 Fed. Reg. 12,500, 12,501 (Mar. 19, 1975).

**Multimedia work.** A work that combines two or more kinds of authorship in two or more media.

**Next of kin.** Blood relatives of the author. For renewal registration purposes, one of the statutory classes which may be entitled to claim the renewal copyright. A blood relative may claim as “next of kin” of the deceased author, provided the deceased author was not survived by a **widow or widower** or **child or children** and did not leave a will.

**National / Nationality.** A “national” is a citizen of a nation or a person who, although not a citizen, owes permanent allegiance to the nation. Citizens of the United States are persons entitled as such by the U.S. Constitution or federal statutes, including persons born in Guam, the U.S. Virgin Islands, and Puerto Rico. By federal statutes, some persons are nationals, but not citizens, of the United States, including persons born in the outlying possessions of the United States. All U.S. citizens are also nationals of the United States.

**Original copyright claimant.** The party in which statutory copyright was initially secured either by being identified as the proprietor in the copyright notice at the time of first publication or as the copyright claimant in an original registration record for an unpublished work.

**Nondramatic literary works.** For renewal registration purposes, any literary work (other than a drama or other literary work intended for oral delivery or public performance such as a lecture or sermon) that was first published in printed copies. Such works include **books** and **periodicals**.

**Pan-American Conventions.** Copyright relations among countries of the Western Hemisphere were governed to some extent under the Copyright Act of 1909 by a series of conventions, chief of which was the **Buenos Aires Convention of 1910**. That convention specifies that authors of any member country who secured copyright in their own country will enjoy the rights each of the other countries accords its own works, if the work contains a statement indicating the reservation of the property right, such as “All Rights Reserved” or “Todos los derechos reservados” or “Copyright reserved.” Such words are not required to reserve U.S. copyright and are not considered to be a substitute for the copyright notice required under the Copyright Act of 1909. For a list of the seventeen countries that ratified the Convention, see **International Copyright Conventions (Circular 38)**.

**Periodical / Serial.** Includes published newspapers, magazines, reviews, bulletins, etc. issued at regular intervals of less than a year, the successive issues bearing the same title (with a distinguishing number or date for each issue) and being similar in the general character of their subject matter. Publications issued at intervals of a year or more, or irregularly, are not considered to be periodicals, but may sometimes be registered as serials. Likewise a series of books issued regularly under a series title is not a periodical.

**Personal work.** A work created by an **individual author** in his or her own personal right as an author.

**Phonorecord.** “Phonorecords’ are material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device,” including “the material object in which the sounds are first fixed.” 17 U.S.C. § 101. In the Copyright Act of 1909 such objects were referred to as “reproductions of sound recordings.” 17 U.S.C. § 26 (1973).

**Posthumous work.** A work that was unpublished on the date of the death of the author and with respect to which no copyright assignment or other contract for exploitation of the work occurred during the author’s lifetime. See 37 C.F.R. § 202.17(b)(3); see also H.R. Rep. No. 94-1476, at 139 (1976), reprinted in 1976 U.S.C.C.A.N. 5659, 5755 (stating that the term “posthumous work” “has the meaning given to it in *Bartok v. Boosey & Hawkes, Inc.*, 523 F.2d 941 (2d Cir. 1975) – one as to which no copyright assignment or other contract for exploitation of the work has occurred during an author’s lifetime, rather than one which is simply first published after the author’s death.”).

**Proprietary author.** An employer or organizational or impersonal party that causes a work to be created. When a work was created by a proprietary author, the proprietor at the time of renewal registration (if made during the last year of the original term), or on the last day of the original term (if renewal registration is made during the renewal term), is entitled to claim the renewal copyright.

**Proprietary work.** The law describes four types of works in which the **proprietor**, rather than the person(s) who created the work, may claim the renewal copyright: **works made for hire**, **composite works**, **posthumous works**, and “any **work copyrighted by a corporate body** (otherwise than as assignee or licensee of the individual author).” Pub. L. No. 61-281, § 24, 61 Stat. 652, 659 (1947).

**Proprietor.** The owner of copyright in a **proprietary work** on the date the renewal claim was filed during the **renewal filing period** or on the last day of the original term if no renewal registration was made before that date. To claim the renewal copyright as a proprietor, the claimant should derive title directly or indirectly from the **original copyright claimant**.

**Pseudonymous work.** A work on the copies or **phonorecord** of which the **individual author** is identified under a fictitious name.

**Publication.** The Copyright Act of 1909 did not define publication *per se* but defines “the date of publication” as having occurred when “copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority.” Copyright Act of 1909, amended by Pub. L. No. 80-281, § 26, 61 Stat. 652, 659-60 (1947). Under court decisions, a work was generally considered to be published when a general publication occurred. A general publication is the distribution of one or more copies of a work to the general public,

usually by means of a sale or a public distribution. The courts created the doctrine of limited publication to avoid the divestive consequences of publication without notice, when it was clear the author (or copyright proprietor) restricted both the persons and the purpose of the distribution. Generally, limited publication is the distribution of copies of a work to a definitely selected group and for a limited purpose, and without the right of diffusion, reproduction, distribution, or sale. A limited publication is not considered a distribution to the public and, therefore, is not publication. Leasing or renting of copies is ordinarily regarded as a general publication unless the distribution was to a limited group or for a restricted purpose. For example, leasing copies of a motion picture to film distributors or exhibitors or broadcasters would be regarded as publication, whereas making a rental score available for a limited time for performance purposes only would not be regarded as publication. Likewise, placing an artistic work on public display with no restrictions against copying could be considered publication, whereas if the exhibition was not open to the public or restrictions on copying were imposed, a general publication is not deemed to have occurred. *Letter Edged in Black Press, Inc. v. Public Building Commission of Chicago*, 320 F. Supp. 1303, 1311 (N.D. Ill. 1970); *William. A. Meier Glass v. Anchor Hocking Glass Corp.*, 95 F. Supp. 264, 268 (W.D. Pa 1951). For renewal registration purposes, when there is virtually no doubt based on information provided to the U.S. Copyright Office or available at the time of registration that a general, rather than a limited, publication occurred without the statutory or **U.C.C. notice**, the Office may refuse registration.

**Published collection.** For renewal registration purposes, an original publication comprising multiple, distinguishable, and separate works that are assembled into an aggregate whole, for example, a published collection of short stories, poems, photographs, or songs, or a periodical such as a magazine with multiple, independent articles. A published collection may lack overall editing or compilation authorship. If it does contain such authorship, a proprietor which claims the renewal copyright on the basis that the **work made for hire** may claim in that authorship, but not in the separate contributions or in the entire collection as a whole. See *U.S. Copyright Office, Study No. 31: Renewal of Copyright at 176 (1960)*. Unitary works such as a novel with chapters, a long poem in sections, a dramatic work with songs, a motion picture, or other works with overarching elements or integral component parts are not published collections.

**Recordation.** For renewal registration purposes, a process of providing a public record of a document that seeks to amend, amplify, or **abandon** a registration record or **abandon** a copyright. The date of recordation was the date when the last necessary element (document and required filing fee) was received. When a document was returned for correction, the date it was received back in corrected form was the date of recordation. When a document was recorded against an original registration record an annotation referring to the recorded document was added to the numbered application and the catalog card(s) covering the entry.

**Renewal filing period.** The period during which a renewal claim could have been filed during the last year of the original term to extend copyright into the renewal term. For works copyrighted before 1950, it began on the twenty-seventh anniversary of the date when copyright was secured and ended on the twenty-eighth anniversary of that date (or the next succeeding business day). For works copyrighted between 1950 and 1977, it began on December 31st of the twenty-seventh year and ended on December 31st of the twenty-eighth year (or the next succeeding business day). However, when a work was published with an antedated year date in the copyright notice, the renewal filing period began on December 31st of the twenty-seventh year preceding the year date in the copyright notice and ended on December 31st of the twenty-eighth year in the copyright notice. Also, under Section 8 of the Copyright Act of 1909 (revised 1941), the President had the authority to extend time limits for renewal registration for the benefit of citizens of a certain nation by proclamation. Copyright Act of 1909, *amended by* Pub. L. No. 77-258, § 8, 55 Stat. 732

(1941). In such circumstances, after determining the nationality and domicile of the author or proprietor, the U.S. Copyright Office registered renewal claims within the time specified in the proclamation with an annotation referring to the extension-of-time proclamation.

**Renewal term registration.** A type of registration created by the [Copyright Renewal Act of 1992](#) in which claims to the renewal copyright may be registered after the [renewal filing period](#), *i.e.* after the renewal copyright has [vested](#). Such registrations may include a [Form RE/Addendum](#) to demonstrate that the work complies with all requirements of the Copyright Act of 1909 with respect to the existence, ownership, or duration of the copyright for the original term of copyright, if no registration was made for the original term.

**Separate work or element of authorship.** A separate, distinct work first published in a larger work that is not a [published collection](#). For example, a preface to a literary work, illustrations in a children’s book, artwork or a photograph on a dust cover of a book, or a filmstrip in a multimedia kit.

**Sound recordings.** “Sound recordings’ are works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture . . .” [17 U.S.C. § 101](#). A sound recording is fixed when the complete series of sounds is first produced on a final master recording that is later reproduced in published copies. Sound recordings do not include motion picture soundtracks.

**Special relief.** A procedure established by regulation under [37 C.F.R. § 202.20\(d\)](#) to authorize the U.S. Copyright Office to accept an optional deposit under [Section 408\(c\)](#) of the Copyright Act of 1976. It allows the Register of Copyrights to grant the applicant the option of depositing less than, or other than, that which is required under the general deposit regulations. In certain circumstances, this procedure may be applied to renewal with addendum registrations.

**Source country.** A nation other than the United States that is an eligible nation under the [URAA](#). With regard to unpublished works, it is the eligible nation of which the author or rightholder, or the majority of the foreign authors or rightholders are [nationals](#) or [domiciliaries](#) or which has the “most significant contacts with the work.” [17 U.S.C. § 104A\(h\)\(8\)\(B\)](#). For published works, it is the eligible country in which the work was first published or if published on the same day in two or more eligible countries, the country which has the “most significant contacts with the work.” [Id. § 104A\(h\)\(8\)\(C\)](#). Applies only to works eligible for registration under the URAA; is not applicable to renewal registration.

**Stateless author.** A person who has no [nationality](#), either as the result of never having acquired nationality in any nation, or as the result of having effectively renounced or been deprived of his or her former nationality without having, as yet, become a [national](#) of any nation.

**Statutory renewal claimant.** A party entitled by law to claim the renewal copyright.

**Successor.** A party that has acquired the renewal copyright in a work by means of legal succession from the [vested owner](#) in whose name no renewal registration was previously made.

**Supplementary registration.** A registration made upon application under [Section 408\(d\)](#) of the [Copyright Act of 1976](#), “to correct an error in a copyright registration or to amplify the information given in a registration. . . . The information in a supplementary registration augments but does not supersede that contained in the earlier registration.” [17 U.S.C. § 408\(d\)](#).

**Syndication.** For renewal registration purposes, the distribution of radio shows and television shows to multiple radio stations and television stations for broadcast by those stations. It was common where broadcast programming was scheduled by television networks with local independent affiliates, particularly here in the United States.

**Timely renewal registration.** A renewal registration made during the **renewal filing period**.

**To vest.** To give a fixed, noncontingent right of present or future enjoyment of the renewal copyright in a work. Although the vested right in a renewal copyright may have been determined by a **timely renewal registration**, the exercise of such right did not commence until the beginning of the renewal term.

**U.C.C. (Universal Copyright Convention).** The **U.C.C.** is an international copyright treaty to which the United States is a party. The treaty was drafted in Geneva in 1952 and came into force in the United States on September 16, 1955. The treaty was revised and the United States is a party to the version as revised at Paris in 1971 as of July 10, 1974. The practical purpose of the Convention was to reduce formalities for securing copyright among participating countries for certain literary, artistic, and scientific works. As a general rule, the U.C.C. required a participating country to give the same protection to foreign works that meet the Convention requirements as it gives to its own domestic works. To be eligible for renewal registration under the Convention, a work should have been authored by a national of a participating country, or should have been published for the first time in a participating country.

**U.C.C. author.** A **national** of a participating **U.C.C. country** (other than the United States) who was not **domiciled** in the **United States** at the time of **first publication**.

**U.C.C. country.** A country, other than the United States, that adheres to the Universal Copyright Convention, Geneva, 1952. For a list of participating countries to the Convention, and their dates of adherence, see *U.S. Copyright Office, United States Copyright Relations of Current Interest (1960)*.

**U.C.C. works.** In general, a work is eligible for U.S. copyright protection as a U.C.C. work if the author was a **national** of a country (other than the United States) that was a party to the **U.C.C.** at the time of **first publication**, or if the work was first published in a U.C.C. country (other than the United States) after September 16, 1955, and was not published in the United States within the next thirty days. To be a U.C.C. work, copies had to bear the copyright notice prescribed by the U.C.C. from the time of first publication. This notice consisted of the symbol © accompanied by the name of the copyright proprietor and the year date of publication. The notice had to be located on the work in such manner and location as to give reasonable notice of the copyright claim. U.C.C. works were exempt in the United States from certain registration and deposit requirements and the **manufacturing clause**. (These exemptions were not applicable to works by U.S. **nationals** or **domiciliaries**, or to works first published in the United States.) U.C.C. works secured statutory protection in the United States automatically upon publication with the required copyright notice. Although no registration was required to secure the full original term of copyright in the United States, renewal registration during the last year of the original term was required to extend copyright into the renewal term. An affidavit attesting to the facts of first publication and proof of copyright notice had to accompany the renewal claim, if no registration was made for the original term.

**Unitary work.** For renewal registration purposes, a single work which has a common design or overarching theme and where, if there are component parts within the work, the parts are joined together, merged, or otherwise absorbed into an integrated or unified whole. The component

parts may be inseparable (as in a novel or a mural painting or certain types of dramatic works), or separable but interdependent (as in a motion picture or the words and music of a song). A unitary work, with its requisite elements of merger and unity, can be contrasted with a **published collection** in which independent or disparate works of authorship are assembled or gathered together, but not merged or absorbed into a unified whole, and with a **composite work**, which lacks a common design or unity. See *U.S. Copyright Office, Study No. 12: Joint Ownership of Copyrights (1958)*.

**United States.** For renewal registration purposes, the United States comprise the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, U.S. Virgin Islands, Panama Canal Zone, American Samoa, and other trust territories. For the **manufacturing requirements**, unorganized areas under the jurisdiction of the United States (such as Guam, Panama Canal Zone, Virgin Islands, and American Samoa) are not considered a part of the United States.

**Unpublished collection.** Under a Copyright Office policy established in 1953, certain types of unpublished works could be grouped together and registered for the original term as a single work. Generally, to be registered as an unpublished collection, the group of works had to be unpublished at the time of registration and meet certain criteria. For information concerning these requirements, see Section 2125.

**URAA.** On December 8, 1994, the Copyright Act of 1976 was amended by the enactment of the **Uruguay Round Agreements Act** (“URAA”), which provided (among other provisions) for the automatic restoration of copyright in certain foreign works (or statutory protection in the case of foreign sound recordings) that were in the public domain in the United States but not in their “**source country**.” Copyright in the United States was automatically restored (or secured) for such works on January 1, 1996 (or on the date of adherence or proclamation of the source country, if later) and endures for the remainder of the term a work would have otherwise been granted in the United States. (For published or constructed architectural works, the effective date of restoration of U.S. copyright is December 1, 1990.) Claims in restored copyrights may be registered on **Form GATT**, but renewal registration is not appropriate, even when a restored copyright is in its renewal term.

**U.S. author.** For renewal registration purposes, an individual author who is a **national** or **domiciliary** of the **United States**, or a **proprietary author** which is registered or headquartered in the United States at the time of **first publication**.

**U.S. work.** For renewal registration purposes, works written by an author who was **stateless**, or who was a U.S. **national** or **domiciliary** at the time of first publication. A work first published in the **United States** may not be a U.S. work (as when the author is neither a U.S. national or domiciliary, nor a national of a country with which the United States has copyright relations). All unpublished photographs were regarded to be of U.S. origin for registration purposes regardless of the nationality or domicile of the author.

**Vested owner.** A party in whom the renewal copyright vested on the first day of the renewal term. A renewal claim filed during the renewal term must identify at least one vested owner.

**Vesting date.** For renewal registration purposes, the vesting date is the first day of the renewal term.

**Widow or Widower.** “The author’s ‘widow’ or ‘widower’ is the author’s surviving spouse under the law of the author’s domicile at the time of his or her death, whether or not the spouse has later remarried.” 17 U.S.C. § 101.

**Writing of an author.** To be regarded as a “writing,” a work should contain at least a certain minimum amount of original literary, pictorial, or musical material.

**Work copyrighted by a corporate body otherwise than as assignee or licensee of the author.** For renewal registration purposes, a type of work created by persons (plural) related to a corporation neither as employees for hire nor as assignors or licensors in which the mutual contributions are fused so as to be indistinguishable. For example, members of a religious order who have renounced ownership of worldly possessions, or board members of a corporation who create a textual presentation on their own time but for the corporation.

**Work made for hire.** For renewal registration purposes, a type of proprietary work which allows “an employer for whom such work is made for hire” to claim the renewal copyright. Pub. L. No. 61-281, § 24, 61 Stat. 652, 659 (1947). See *U.S. Copyright Office, “Work Made for Hire” under the 1909 Copyright Law (2005)*.

**Works of foreign origin (foreign works).** For renewal registration purposes, works, other than **U.C.C. works**, by **foreign authors** (including joint works by one or more foreign authors), that, if published, were **first published** outside the territorial limits and jurisdiction of the **United States**. A work by an author who was a **national** or **domiciliary** of the United States at the time of first publication is not considered a work of foreign origin.