

Requests for Reconsideration

The U.S. Copyright Office does not register all claims to copyright. If the Office refuses to register your claim, you may request reconsideration. This circular provides guidelines for requesting reconsideration. It covers:

- When the Office may refuse registration
- The reconsideration process
- How to file a first or second request for reconsideration.

For more information, see **chapter 1700** of the *Compendium of U.S. Copyright Office Practices*.¹

The Copyright Office will register a claim to copyright if it determines that the material deposited constitutes copyrightable subject matter and that all other legal and formal requirements have been met. Similarly, the Office will register claims in mask works or vessel hull designs if it determines that the relevant legal and formal requirements for those works have been met. If the Office determines that these requirements have not been met, the Office will refuse to register the claim. The most common grounds for refusal include:

- The work lacks the minimum level of creative authorship to support a copyright claim.
- You failed to submit a complete application, filing fee, and/or deposit copies.
- You asserted a claim to copyright in a work that is not covered by U.S. copyright law.
- The work lacks human authorship.
- The work is not fixed in a tangible medium of expression.

For more information on the reasons why the Office might refuse registration, see **chapter 600**, section 608, **chapter 1500**, section 1503.2, and **chapter 1700**, section 1702 of the *Compendium of U.S. Copyright Office Practices*.

When a claim is refused, you will receive a notification in writing of the refusal and the reasons for the Office's decision. This notification is sent to the person listed in the Correspondent section of the application.

Deadlines and Procedure

If you disagree with the Office's decision, you may request reconsideration through an administrative appeal process. You may make an initial request, which is the first request for reconsideration. If you wish to appeal the result of that request, you may make a second request of reconsideration.

Each request for reconsideration must be accompanied by the appropriate filing fee, found on the Office's website.

Your request for reconsideration and filing fee must be postmarked or dispatched by a commercial carrier, courier, or messenger within three months of the date of the initial refusal (first request for reconsideration) or the date of the Office's response to your first request for reconsideration (second request for reconsideration). The deadline may be suspended or waived by the Office if it receives a request showing good cause for an extension.

Content of a Request for Reconsideration

A request for reconsideration must be in writing and accompanied by the appropriate filing fee. The request for reconsideration must include:

- The label "FIRST RECONSIDERATION" or "SECOND RECONSIDERATION," as applicable.
- The ten or eleven digit case number/service request number that the Office assigned to the claim.
- The seven digit correspondence ID number that appears in the subject line of the letter refusing to register the work.
- The name of the copyright claimant(s) specified in the application.
- The title(s) of the work exactly as it appears in the application.
- The reasons you believe that the registration was improperly refused, including any supplementary information or legal arguments that support your position. You should specifically address the Office's reasons for denying registration in your materials.

The pages of the request should be numbered, including any attachments or exhibits. Send one copy of the request and the reply sheet that was attached to the refusal to register or the Office's response to the first request for reconsideration to the address below

Address for Delivery

Each request for reconsideration should be addressed on the outside of the envelope as follows:

[FIRST/SECOND] REQUEST FOR RECONSIDERATION
U.S. Copyright Office
RAC Division
P.O. Box 71380
Washington, DC 20024-1380

Review of a Request for Reconsideration

A first request for reconsideration will be reviewed by a Registration Program staff attorney who did not participate in the initial examination of your claim. The Office will base its decision on your submission and the administrative record. The Office will notify you in writing of its decision to register the work or uphold its refusal to register within four months of the date your request was received by the Registration Program.

A second request for reconsideration will be reviewed *de novo* by the Review Board, which consists of the Register of Copyrights, the general counsel of the U.S. Copyright Office (or their respective designees), and a third individual designated by the Register. The Office will base its decision on your written submission and the administrative record. In addition, the Review Board may consider any prior correspondence between you and the Office, matters of general knowledge, or matters known to the Office or the Review Board. The Office will notify you in writing of its decision to register the work or uphold its refusal to register.

The Review Board's decision in response to a second request for reconsideration constitutes the final agency action on the application for registration. For more information, see **chapter 1700**, section 1706 of the *Compendium*. A decision issued by the Review Board has no precedential value, nor is any decision binding upon the Board in any other appeal.

If the Office registers your work following a first or second request for reconsideration, the Office will provide an effective date of registration on the registration certificate, which is the date on which the Office received an acceptable application, deposit, and filing fee for the work. For more information, see **chapter 600**, section 625 of the *Compendium*.

NOTE

1. This circular is intended as an introduction to requesting reconsideration of a refusal to register a claim to copyright. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website, **www.copyright.gov**.

For Further Information

By Internet

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at www.copyright.gov.

By Email

To send an email inquiry, click the *Contact Us* link on the Copyright Office website.

By Telephone

For general information, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. To request application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

Library of Congress
U.S. Copyright Office
Publications Section
101 Independence Avenue, SE #6304
Washington, DC 20559-6304

