

Copyright Registration of Secure Tests

This circular provides general information about registering a secure test with the U.S. Copyright Office.¹ For specific information, see *chapter 700*, section 720.2, of the *Compendium of U.S. Copyright Office Practices*.

For the purposes of copyright registration, a secure test is a nonmarketed test administered under supervision at specified centers where all test-takers are assembled on scheduled dates, and where all copies of the test are accounted for and either destroyed or returned to restricted locked storage following each administration. A test is administered under supervision if test proctors or the equivalent supervise the administration of the test. A specified center is a place where test takers are physically assembled at the same time. A test is considered nonmarketed if the copies are not sold, but instead are distributed and used in such a manner that the test sponsor or publisher retains ownership and control of the copies. Tests that may be taken on a computer do not satisfy this definition unless the test takers are physically assembled at a test center on scheduled dates and the test is administered under supervision.

Examples of secure tests include high school equivalency tests, tests used to determine eligibility for admission to an educational institution, tests used to determine credit for undergraduate or graduate course work, and tests used to determine eligibility for scholarships and professional certifications. Questions that are stored in—or randomly pulled from—a database or test bank cannot be registered as a secure test if the database or test bank is simply a medium for storing questions and does not represent an actual test that is administered at specified test centers.

The administration of any test involves some level of security, but only a small percentage of tests are eligible for the secure test procedure. Because this procedure is an administrative accommodation, the Office reserves complete discretion to determine whether any particular test meets all of the eligibility requirements for this option. To register a test that does not satisfy these requirements or a work that merely consists of a grouping of test questions, applicants must submit one complete, unredacted copy of the test and any accompanying answer material under the normal registration procedures for a test.

NOTE: Secure test claims will be reviewed in the order they are received, and will not be given priority over other claims with an earlier filing date. If you would like expedited review of your application, you may request special handling. For more information, see *Special Handling (Circular 10)*.

Overview of the Secure Test Procedure

The Copyright Office has a special procedure for examining secure tests to protect the particularly confidential nature of these works. Applicants submit an online application, filing fee, and a brief questionnaire, and upload a *redacted*

copy of the test. Applicants then bring an *unredacted* copy of the actual test (and the other materials discussed below) to the Copyright Office's Public Information Office for examination by a Literary Division examiner.

Online Application and Preliminary Examination

To begin the process, you need to submit an online application and filing fee through the Office's *electronic registration system*. When completing the online application, provide the title of the work and the term "secure test" in the Title field. You must complete and upload a brief questionnaire about the test, available from the Office's *website*, about the test. The file name for the questionnaire should include the term "Questionnaire" and the case number assigned to the claim. The case number is an eleven-digit number that is automatically generated by the electronic registration system; it appears near the top of each screen of the online application. You also must upload a separate file containing a redacted copy of the test, which is described in more detail below. The file name for the *redacted* copy should include the title(s) you provide in response to questions 1 and 9 of the questionnaire. Do not upload or mail an *unredacted* copy of the actual test to the Office.

An examiner will review your response to the questionnaire to confirm that the work is a secure test that satisfies the regulatory definition and to identify the type of materials you should bring to the Office. If the test appears to be eligible for registration as a secure test, the examiner will contact you to schedule an appointment to deliver the actual test to the Office in person.

Multiple Tests

You must file a separate application, pay a separate fee, and upload a separate questionnaire for each test. A separate application, fee, and questionnaire are also required when registering multiple versions of the same test.

Examples:

- A test publisher submits a test containing three test booklets. The first booklet contains reading comprehension questions. The second contains math questions. The third contains essay questions. All three booklets are distributed to test-takers at specified test centers on the same date. Each test-taker receives the same booklets. The three booklets may be registered with one application, because they are administered to test-takers as part of the same test.

- A state medical board submits ten test booklets. Each booklet contains 100 multiple choice questions. The same questions appear in each booklet. To prevent test-takers from copying each other, each booklet contains a different organization and arrangement of the same test questions. The ten booklets are considered ten separate tests, because test-takers do not receive the same booklets. A separate application must be submitted for each booklet.

The examiner will review the test as a whole to determine whether the work is eligible for the secure test procedure and whether the test contains a sufficient amount of creative expression. When completing the online application you may assert a claim in this type of authorship by stating "text" or "compilation of test questions" in the Author Created field. If you want to register a revised version of a preexisting test, you may state "revised secure test" in the Author Created and New Material Included fields.

In-Person Appointment and Examination

Location

On the day of the appointment, the applicant should come to the following location:

Public Information Office
U.S. Copyright Office
James Madison Memorial Building
Library of Congress
101 Independence Avenue, SE
LM-401
Washington, DC 20559

What to Bring to the Appointment

Bring the following items to your appointment:

1. *A copy of your completed electronic application.* You can print a copy of the application by logging in to the *electronic registration system* and clicking the "My Applications" link, which appears on the home page under the heading "Check Registration Case Status."
2. *The nonrefundable secure test examining fee.* This fee will be calculated based on the amount of time that it takes to examine the secure test materials during your appointment. This fee is in addition to the filing fee that you submit with the electronic application. After the in-person examination is complete, you can pay the examining fee by credit card, Copyright Office deposit account, or check made payable to the U.S. Copyright Office. For current fees, see *Copyright*

Office Fees (Circular 4) or call (202) 707-3000 or 1-877-476-0778 (toll free).

3. A copy of the redacted version of the test that you uploaded to the electronic registration system.
4. A signed declaration confirming that the redacted copy that you bring to the appointment is identical to the redacted copy that you uploaded to the electronic system. You may obtain a copy of this declaration from the Office's website.
5. An unredacted copy of the actual test.

If you fail to bring a copy of the application or the redacted copy that you uploaded to the electronic registration system, the time it takes for the examiner to retrieve these records from the Office's files will be included in calculating the secure test examining fee.

The examiner will review the redacted and unredacted copies in your presence and date-stamp them when the examination is complete. Afterward, the examiner will return them to you. The signed declaration and the redacted copy that you uploaded to the electronic registration system will be retained in the Copyright Office's records and may be made available to the public under appropriate circumstances.

If the examiner determines that your test is eligible and contains a sufficient amount of creative authorship, and that you satisfied all of the other requirements for registration, the Copyright Office will register your claim and mail a certificate of registration to you at a later date.

Unredacted Copy

As discussed above, you must bring an unredacted copy of the test to your appointment. If the secure test is administered with physical test booklets, bring one complete copy of each booklet.

If the secure test is administered on a computer or other electronic device, bring the following materials:

- An electronic file that contains a complete copy of the actual test. The file must be stored on a CD-ROM, DVD, flash drive, or other storage device. You must bring a laptop or other electronic device that can be used to view the secure test materials. Providing access to an electronic copy available online or an electronic file stored solely on your computer—rather than on a separate storage device—is insufficient. You also should bring an appropriate container for the storage device, such as an envelope or jewel case.

or

- A printout containing a complete copy of the actual test.

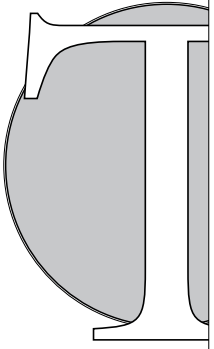
Redacted Copy

As discussed above, you must upload a redacted copy of the test to the electronic registration system, and you must bring a copy of that version to your in-person appointment.

The redacted copy of the test must take the following form: it must contain an unredacted title page (if any) and redacted pages of questions. Most of the content that appears on each page of questions may be blocked out, provided that you leave a narrow vertical or diagonal strip of visible content. In addition, the number or other designation (if any) that has been assigned to each question, and the page number that appears on each page of the actual test (if any) must be visible.

UNREDACTED SAMPLE

THE TEST COMPANY







TEST BOOKLET

Question 1: What is the sum of $10+9$?

- A. 11
- B. 17
- C. 19
- D. 21

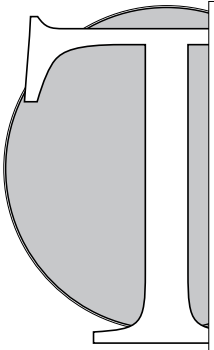
Question 2: Which of the boxes below contains a photo of the United States Capitol?

A. 	B. 
C. 	D. 

PAGE 3 | TEST BOOKLET

REDACTED SAMPLE

THE TEST COMPANY



TEST BOOKLET

Cover is unredacted.

Question 1: V...-9?

- A. 11
- B. 17
- C. 19
- D. 21

Question 2: V... the 1... of the

A. ...

PAGE 3 | TEST BOOKLET

Page number and question numbers are unredacted. Redacted area with narrow vertical or diagonal strip of visible content.

Note

1. This circular is intended as an introduction to the U.S. Copyright Office's practices and procedures for registering secure tests. 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