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COMPENDIUM: Chapter 1100

Registration for Multiple Works

1101 What This Chapter Covers

As a general rule, a registration covers an individual work, and an applicant should prepare a separate application, filing fee, and deposit for each work that is submitted for registration. However, there are several exceptions to this rule, including:

- Registering a collective work together with the separate and independent works contained therein. This option is discussed in Chapter 500, Section 509.1 and Chapter 600, Sections 610.4, 613.8, 618.7, 620.8, and 621.8(D).
- The option for registering a number of works that were published in a single unit of publication. This option is discussed in Section 1103 below.
- Registering a sound recording together with the musical work, dramatic work, or literary work contained in that recording. This option is discussed in Section 1104 below.
- The options for registering a group of related works under Section 408(c)(1) of the Copyright Act, as discussed in Section 1105 and Sections 1106 through 1114 below. At present, the U.S. Copyright Office offers group registration options for the following types of works:
  - Unpublished works.
  - Serials.
  - Newspapers.
  - Newsletters.
  - Contributions to periodicals.
  - Short online literary works
  - Database updates and revisions.
  - Questions, answers, and other items prepared for use in a secure test.
  - Unpublished photographs.
  - Published photographs.

1102 [Reserved]

1103 The Unit of Publication Option

The U.S. Copyright Office has established an administrative procedure that allows an applicant to register a number of works that were physically packaged or bundled together as a single unit by the claimant and first published on the same date. This is known as the "unit of publication" option.

A registration issued under this option covers each work in the unit that is owned by the copyright claimant.

A unit of publication is different from a group registration in that the works in the unit cannot be aggregated simply for the purpose of registration, but rather must have been first distributed to the public in the packaged unit. A unit of publication is also different from a collective work in that the unit is not a compilation of works, but rather a package of separate and distinct copies or phonorecords that are physically bundled together and distributed to the public as a unit, such as a board game containing instructions, a game board, and sculpted playing pieces. In some cases, a unit may contain a compilation or collective work, such as a CD containing sound recordings packaged together with cover art and liner notes.

For additional information concerning the Office's group registration options, see Section 1105. For additional information concerning collective works, see Chapter 500, Section 509.1 and Chapter 600, Sections 610.4, 613.8, 618.7, 620.8, and 621.8(D).

1103.1 What Is a Unit of Publication?

A unit of publication is a package of separately fixed component works that are physically bundled together for distribution to the public as a single, integrated unit, and all of the works are first published in that integrated unit. *See* 37 C.F.R. § 202.3(b)(4).

The following are representative examples of works that may be distributed to the public in a single, integrated unit that may qualify as a unit of publication:

- A board game with playing pieces, game board, and instructions.
- A package of greeting cards.
- A CD packaged with cover art and a leaflet containing lyrics.
- A book published with a CD-ROM.
- A multimedia kit containing a book, a compact disc, and a poster.
- A multi-DVD package with multiple disks containing a motion picture, trailers, and deleted scenes from the motion picture.
- A box set of music CDs.

- A videogame stored on a disc packaged together with an instruction booklet and a pamphlet.
- A computer program stored on a disc packaged together with a booklet containing a user's manual.

1103.1(A) The Unit Must Contain Separately Fixed Component Works

The unit of publication option may not be used to register works that have been fixed in the same medium of expression, such as multiple essays published in the same book.

As a general rule, an applicant should prepare a separate application, filing fee, and deposit for each work that is submitted for registration. The unit of publication option is a narrow and limited exception to this rule. It provides a means for registering multiple works with one submission in cases where multiple submissions would otherwise be required and where no other statutory or regulatory accommodation exists. Often, when multiple items are fixed in the same medium of expression, they may be considered a derivative work, a compilation, or a collective work. If so, there is no need to rely on the unit of publication option, because the statute already provides a means for obtaining a registration. Moreover, if applicants could register multiple works as a unit of publication whenever they happen to be fixed in the same medium of expression, the regulatory accommodation would displace the statutory scheme, and this narrow exception would become the default method for registering published works.

1103.1(B) The Unit Must Contain an Actual Copy or Phonorecord of the Works

The unit must contain an actual copy or phonorecord of the self-contained works. A unit that merely contains a representation of the works does not satisfy this requirement. For example, a box of jewelry containing an actual necklace and an actual set of earrings that are packaged together and sold to the public as a single, integrated unit would be considered a unit of publication. By contrast, a catalog that merely contains photographs of necklaces and earrings that are offered for sale would not be considered a unit of publication, even if members of the public may order these items from the catalog either on an individual basis or as a set. The catalog could be used to register a claim in the selection, coordination, and/or arrangement of the photographs, but not the actual items depicted in those images.

1103.1(C) The Works Must Be Physically Bundled in the Unit

In all cases, the works must be packaged together and distributed to the public in a physical form. Works that are combined and distributed to the public in digital form are not eligible for this option.

The unit of publication option is a narrow accommodation that is intended to address a specific scenario: where multiple works are bundled together in a physical product as a single "unit" and those separate works are first published as a unit. The paradigmatic example is a board game with playing pieces, a game board, and instructions. Each component may be a separate work of authorship: The playing pieces may be sculptural works, the game board may be a pictorial or graphic work, and the instructions may be a literary work. But it would make little sense—and it would be administratively

burdensome—to require separate applications for each work. Imposing such a rule would result in duplicative or incomplete deposits. For example, some applicants might send the entire board game with each application, while others might send each element separately. *See* Compendium of U.S. Copyright Office Practices, 82 Fed. Reg. 45,625, 45,627 (Sept. 29, 2017).

The concerns that prompted the Office to create the unit of publication option are not present in the case of digital products. The problems associated with duplicative deposits are significantly diminished when digital files are uploaded to the electronic registration system. And although it may be relatively easy to determine whether a physical product qualifies as a unit of publication, the same cannot be readily said for digital products, which could be distributed in a single digital file or multiple digital files, or could be published only as a bundle, or both individually and in a bundle. *See id*.

1103.1(D) The Works Must Be Distributed to the Public in the Unit

The self-contained works must be distributed to the public as an integral part of the unit. A unit that merely offers works to the public without distributing actual copies or phonorecords does not satisfy this requirement. Likewise, works that have been physically packaged or bundled for distribution or sale to wholesalers, distributors, retailers, or other intermediaries for the purpose of further distribution, public performance, or display do not satisfy this requirement. For instance, when a record company bundles a compilation of tracks together with cover art and liner notes, and distributes them to the public on a physical album, the album would qualify as a unit of publication. By contrast, when a record company distributes tracks to the public on an individual basis or licenses its entire catalog to a streaming website to facilitate the public performance of those tracks, neither the tracks nor the catalog would qualify as a unit of publication.

1103.1(E) Works That Do Not Qualify as a Unit of Publication

The following are representative examples of works that cannot be registered as a unit publication:

- Works first published online.
- Works that were first published on different dates.
- Works first published on the same date either separately or in different units.
- Works first published as separate and discrete works, even if they were subsequently distributed together in the same unit.
- Works that are initially offered to the general public both individually and as a set.
- Works created as part of the same collection, series, or set that have not been distributed together as a single, integrated unit.

- Works that share the same characters, the same theme, or other similarities that have not been distributed together as a single, integrated unit.
- Works offered to the public as a unit, but never distributed to the public.
- Multiple photographs taken at the same photo shoot.
- Multiple photographs posted on the same website.
- A catalog with photographs of copyrightable works offered for sale, either individually or as a unit.

1103.2 Eligibility Requirements

An applicant may register a group of separately fixed works with one application, one filing fee, and the appropriate deposit copies, provided that the following conditions have been met:

- All of the copyrightable elements must be recognizable as self-contained works.
- All of the works claimed in the application must be first published as a single unit on the same date.
- The copyright claimant for all of the works claimed in the unit must be the same.

See 37 C.F.R. § 202.3(b)(4). For additional guidance concerning the deposit requirements for a unit of publication, see Chapter 1500.

In addition, the claimant in the unit of publication must be the person or entity that physically bundled or caused the bundling of the works and elements together into the integrated unit.

Works that do not satisfy these requirements cannot be registered with the unit of publication option.

An applicant cannot use the unit of publication option to register a number of published and unpublished works. An applicant cannot use this option if the works were published on different dates. An applicant cannot use this option if the works were published in different units or first distributed as separate, individual works. Moreover, the unit cannot be created merely for the purpose of registration; instead it must have been distributed to the public as a single, integrated unit.

The application should expressly state that the applicant is seeking to register a number of works with the unit of publication option. For guidance on completing the application, see Section 1103.4.

An applicant may use this option to register the component works within a unit of publication if the claimant is the author of those works or acquired the copyright in those works through a transfer of ownership, provided that the claimant manufactured,

produced, published, packaged, or otherwise created the single, integrated unit as a whole. In other words, the unit of publication option may be used only if the claimant packaged the unit as a whole. Moreover, the claimant must own the copyright in all the component works that are claimed in the application. If the unit contains component works that are not owned by the claimant, the applicant should exclude those works from the claim using the procedure described in Chapter 600, Section 621.8(B).

A unit of publication may contain one or more collective works. But the unit of publication option is not an appropriate means for registering a collective work or the component works contained therein unless the collective work has been bundled together with other separately fixed component works and has been distributed to the public as a single, integrated unit on the same date. For example, a book of photographs and the images contained therein may be registered as a collective work if (i) the claimant owns the copyright in both the images and the authorship involved in creating the book as a whole, and (ii) if the images have not been previously published or previously registered and if they are not in the public domain. In such cases, the applicant should not use the unit of publication option. For guidance on registering a collective work, see Chapter 500, Section 509.1 and Chapter 600, Sections 610.4, 613.8, 618.7, 620.8, and 621.8(D).

Moreover, the unit of publication option should not be viewed as a group registration option for registering contributions to published collective works. If the applicant is unable to register the component works with the unit of publication option, the applicant may register those works on an individual basis. Specifically, the applicant may prepare a separate application, filing fee, and deposit copies for each component work and may submit these items using the online application or a paper application.

As discussed in Chapter 500, Section 510, the Office generally issues only one registration per work. *See* 37 C.F.R. § 202.3(b)(11). Therefore, when an applicant registers a number of self-contained works with the unit of publication option, the applicant cannot add additional works to that registration at a later date. Likewise, the applicant cannot register the component works within a unit of publication and then obtain separate registrations for those works, unless the applicant satisfies one or more of the exceptions set forth in Chapter 500, Sections 510.2 or 510.3. Works that are excluded from the claim must be registered separately as individual works.

1103.3 Registration Requirements

To register a number of works with the unit of publication option, the applicant must submit a completed application, an appropriate deposit, and the correct filing fee.

The applicant may submit an online application through the electronic registration system, or in the alternative, the applicant may submit a paper application using Forms TX, VA, PA, or SR (but not Form SE). The Office strongly encourages applicants to use the electronic registration system rather than a paper application because online applications are more efficient for both the applicant and the Office. For guidance on completing the online application or the paper application, see Section 1103.4.

If the unit was first published in the United States, the applicant should submit two complete copies or phonorecords of the best edition of the unit. If the unit was first published in another country, the applicant generally should submit one complete copy or phonorecord of the unit as first published or one complete copy or phonorecord of the best edition of the unit. *See* 37 C.F.R. § 202.20(c)(1)(iii), (iv). For a definition and discussion of the best edition requirements, see Chapter 1500, Section 1504. As a general rule, a copy or phonorecord of a published work is considered "complete" if it includes "all elements comprising the applicable unit of publication of the work, including elements that, if considered separately, would not be copyrightable subject matter." *See* 37 C.F.R. § 202.20(b)(2)(ii).

For guidance on submitting the deposit copies, see Chapter 200, Section 204.3 and Chapter 1500, Section 1508.

For information concerning the methods for paying the filing fee, see Chapter 1400, Sections 1412.3 through 1412.5.

1103.4 Completing the Application

This Section provides guidance for completing an application to register multiple works with the unit of publication option.

Applicants should inform the U.S. Copyright Office that they are seeking to register a number of self-contained works under the unit of publication option. When completing the online application, the applicant should provide this information in the Note to Copyright Office. When completing a paper application, the applicant should provide this information in a cover letter.

If the registration specialist determines that the component works are eligible for registration under the unit of publication option, he or she will add an annotation, such as: "Basis for registration: Unit of publication." This statement will appear on the certificate of registration and the online public record for the claim.

If the specialist determines that the component works are not eligible for registration under this option, he or she may communicate with the applicant to clarify the scope of the claim, ask the applicant to submit a separate application for each work, or refuse registration.

1103.4(A) Type of Work

When completing an application, the applicant should select the class of work that is most appropriate for the works being registered and the authorship that appears in those works. If the works contain more than one type of authorship, the applicant should select the option that is appropriate for the predominant form of authorship in those works.

NOTE: There is an exception to this rule. If the unit of publication contains sound recording authorship, the applicant must select the class for sound recording, regardless of whether sound recording is the predominant form of authorship in the rest of the works.

When completing an online application, the classes are listed under a drop down menu marked Type of Work. When completing a paper application, each class has its own paper form.

- *Literary Works*: When completing an online application, the applicant should select "Literary Work" in the Type of Work field if the works primarily contain nondramatic text, such as poems, short stories, or the like. When completing a paper application, the applicant should use Form TX.

- *Works of the Visual Arts*: When completing an online application, the applicant should select "Work of the Visual Arts" in the Type of Work field if the works primarily contain pictorial, graphic, or sculptural content, such as photographs, drawings, illustrations, models, or the like. When completing a paper application, the applicant should use Form VA.

- *Works of the Performing Arts*: When completing an online application, the applicant should select "Work of the Performing Arts" in the Type of Work field if the works primarily contain music, lyrics, drama, choreography, or other content that is intended to be performed for an audience. When completing a paper application, the applicant should use Form PA.

- *Sound Recordings*: When completing an online application, the applicant must select "Sound Recording" in the Type of Work field if the applicant intends to register works that contain sound recording authorship. When completing a paper application, the applicant must use Form SR.

- *Motion Picture/Audiovisual Material*: When completing an online application, the applicant should select "Motion Picture/AV Work" in the Type of Work field if the works primarily contain motion pictures or other audiovisual content. When completing a paper application, the applicant should use Form PA.

NOTE: A unit of publication may not be registered with the online application for a "single serial issue" or a paper application submitted on Form SE.

1103.4(B) Title

The applicant should provide the primary title of the unit of publication that will be submitted for registration (including any subtitles), even though the "unit" itself is not a work. The applicant should provide this information in the Title of This Work field of the online application.

The titles of the self-contained works that appear within the unit of publication, if any, may be provided in the Contents Title field. If the applicant provides these titles in the application, they will appear on the certificate of registration and the online public record under the heading Contents Title.

Applicants are encouraged to provide a title for each work that is submitted for registration. If a work is known by a particular title, interested parties likely will use

that title to search for the work, and it may be extremely difficult to find a particular work if the applicant fails to provide that information in the application.

The total number of characters that may be provided in the Contents Title field is limited. Applicants are strongly encouraged to provide one title in the field, then click the Save button, and then repeat this process in order to prevent loss of data due to space limitations.

When completing a paper application, the applicant should provide the title for the unit of publication and/or the title(s) of the works contained therein in space 1 of the application. If additional space is needed, the applicant may provide the titles using Form CON. If the applicant provides this information in the application, the title of each work may be included in the certificate of registration and the online public record unless the applicant provides a substantial number of titles on Form CON.

In all cases, the titles of the works contained within the unit of publication should be listed in the application in the same order that they appear in the deposit copies.

For additional guidance in completing the title field/space of the application, see Chapter 600, Sections 610.2 and 610.4.

1103.4(C) Publication / Completion

When registering a number of works with the unit of publication option, all of the works submitted for registration must be physically packaged or bundled together in a single unit and first distributed to the public as a unit.

When completing an online application, the applicant will be asked to provide the date of publication on the Publication/Completion screen. Specifically, the applicant should select "yes" in the drop down menu marked "Has this work been published?" In the field marked "Date of First Publication," the applicant should provide the specific month, day, and year that the unit was distributed to the public for the first time. If the applicant indicates that the works have been published, but fails to provide the specific month, day, and year that publication occurred, the application will not be accepted by the electronic registration system.

When completing a paper application, the applicant should enter the month, day, and year of first publication on space 3(b) under the heading "Date and Nation of First Publication of This Particular Work."

When completing an online application, the applicant should identify the year that the component works were completed on the Publication/Completion screen in the field marked Year of Completion (Year of Creation). When completing a paper application, the applicant should identify the year that the author completed the component works on space 3(a) under the heading "Year in which creation of this work was completed." If the component works were created over a period of thirteen months or more, the applicant should provide the year of completion for the most recent work that will be submitted for registration.

For additional guidance in completing this portion of the application, see Chapter 600, Section 611.1.

1103.4(D) Authors of the Component Works

As discussed in Section 1103.2, an applicant may register the component works within a unit of publication if the claimant is the author of those works or if the claimant has acquired the copyright in those works through a transfer of ownership.

In all cases, the applicant should identify the author or authors of the component works that will be submitted for registration. When completing an online application, the applicant should provide the full name of each author on the Authors screen. If the works were created by more than one author, the applicant should complete the relevant fields, click the Save button, and then repeat this process for the other authors.

The applicant should provide the country of citizenship or domicile for each author named in the application. If the applicant fails to provide this information, the application will not be accepted by the electronic registration system. If the author's citizenship or domicile is unknown, the applicant may select "not known" from the drop down menu.

When completing a paper application, the applicant should identify the author or co-authors of the component work(s) in space 2 under the heading marked Name of Author. If the component works were created by three or more authors, the applicant may identify the other authors on Form CON.

For guidance in providing the name(s) of the author(s) of the component works, see Chapter 600, Section 613.8. For guidance in identifying works created by large numbers of authors, see Chapter 600, Section 613.10(F). For guidance in providing the author's citizenship and domicile, see Chapter 600, Section 617.

If the works contained within the unit of publication qualify as anonymous or pseudonymous works, the applicant may check the appropriate boxes that appear in the anonymous/pseudonymous fields/spaces. For a definition and discussion of anonymous and pseudonymous works, see Chapter 600, Sections 615.1 and 615.2.

For guidance concerning the Year of Birth and Year of Death fields/spaces, see Chapter 600, Section 616.

1103.4(E) Manufacturer, Publisher, Producer, Packager, or Creator of the Unit of Publication

As discussed in Section 1103.2, a unit of publication cannot be created merely for the purpose of registration. Instead, the works must have been packaged and distributed to the public as a single, integrated unit. An applicant may register the component works contained within a unit of publication, provided that the claimant manufactured, produced, published, packaged, or otherwise created the single, integrated unit. In other words, the unit of publication option may be used only if the claimant packaged or bundled the unit as a whole, or caused the unit to be packaged or bundled together.

When completing the online application, the applicant should provide a brief statement in the Note to Copyright Office field indicating that the claimant is the manufacturer, producer, publisher, packager, or other creator of the unit as a whole. When completing a paper application, the applicant may provide this information in a cover letter.

1103.4(F) Author Created / Nature of Authorship

The applicant should provide a brief statement that describes the component works that will be submitted for registration.

If the same author created all the component works within the unit, the applicant should check one or more of the boxes in the Author Created field that accurately describe those self-contained works. For example, if the unit of publication consists of a shrink-wrapped package with a CD-ROM containing a computer program, a booklet containing a user's manual, and cover artwork, the applicant should check the boxes marked "computer program," "text," and "artwork." If the unit of publication consists of a physical album containing music, lyrics, sound recording, artwork, and liner notes, the applicant should check the box marked "sound recording" and in the box marked Other the applicant should state "music," "lyrics," "artwork," and "text of liner notes."

If the component works were created by different authors, the applicant should provide the following information in the online application:

- On the Authors screen the applicant should provide the name of the individual or entity that created one of the component works. For guidance on completing this portion of the application, see Chapter 600, Section 613.9.

- On the Author Created screen, the applicant should check one or more of the boxes that accurately describe the component work(s) that the author contributed to the unit of publication. For example, if the author contributed one or more of the sound recordings within a multimedia kit that contains sound recordings, musical works, text, artwork, and other forms of authorship, the applicant should check the box marked "sound recording." In addition, the applicant should provide the title of that component work (if any) in the field marked Other. Currently, the total amount of text that may be provided in the Author Created/Other field is limited to 100 characters or less. If more space is required, the applicant should provide the additional information in the Note to Copyright Office field.

- On the Claimant screen the applicant should provide an appropriate transfer statement that explains how the claimant obtained the copyright in that work. For guidance on providing a transfer statement, see Chapter 600, Section 620.9.

If the unit contains component works created by other authors, the applicant should repeat this process for each component work that the applicant intends to register.

When completing a paper application, the applicant should provide this information in space 2 under the heading marked Nature of Authorship. If more space is required, the applicant may provide additional information on Form CON.

1103.4(G) Claimants / Transfer Statement

To register a number of works using the unit of publication option, the applicant should provide the name and address of the copyright claimant. *See* 17 U.S.C. § 409(1). For purposes of copyright registration, the copyright claimant must be (i) the author or co-author of all the component works within the unit that are claimed in the application, or (ii) a person or organization that owns all of the rights under copyright that initially belonged to the author or co-authors of those works. *See* 37 C.F.R. § 202.3(a)(3). No other party is entitled to be named as a copyright claimant.

If the same person(s) or organization(s) created all the component works within the unit that are claimed in the application, the applicant may name the author or co-authors as the copyright claimant. In the alternative, the applicant may provide the name of the person or organization that acquired the copyright in those works through a transfer of ownership.

When completing an online application, the applicant should provide the claimant's full name and address on the Claimants screen. When completing a paper application, the applicant should provide this information in space 4 of the application. For guidance on completing this portion of the application, see Chapter 600, Section 619.12.

If the author(s) and the claimant or co-claimants named in the application are not the same person, the applicant should provide a brief transfer statement that explains how the claimant or co-claimants obtained the copyright in the component works. When completing an online application, the applicant should provide this information on the Claimants screen in the field marked Transfer Statement. When completing a paper application, the applicant should provide this information in space 4 under the heading marked Transfer. For guidance on completing this portion of the application, see Chapter 600, Section 620.9.

1103.4(H) Limitation of Claim

As discussed in Section 1103.2, all of the works in a unit of publication must be physically bundled together by the claimant in a single, integrated unit, they must be first published on the same date, and the claimant for all of those works must be the same person or organization.

A claimant may use the unit of publication option only if that party packaged or bundled the unit as a whole, or if that party caused the unit to be packaged or bundled together. Moreover, the unit of publication option cannot be used to register any of the works in the unit that have been previously published or any works that are not owned by the copyright claimant (although such works may be registered separately). If the unit contains previously published material or third party material, the applicant should exclude that material from the claim using the procedure described in Chapter 600, Section 621.8(B). The excluded works must be registered separately as individual works.

If the unit contains material that has been previously registered with the Copyright Office, the applicant should exclude that material from the claim using the procedure described in Chapter 600, Section 621.8(F).

1103.4(I) Rights and Permissions Information

When completing an online application, the applicant may provide the name, address, and other contact information for the person and/or organization who should be contacted for permission to use the works that are registered with the unit of publication option.

For guidance in completing this portion of the online application, see Chapter 600, Section 622.1. At the present time, there is no space for this information on the paper applications.

1103.4(J) Correspondent / Mailing Address for the Certificate of Registration

The applicant should provide the name, email address, telephone number, fax number (if any), and mailing address for the person or persons who should be contacted if the Office has questions or concerns regarding the application. When completing an online application, the applicant should provide this information on the Correspondent screen. When completing a paper application, the applicant should provide this information in space 7(b) under the heading "Person to contact for correspondence about this claim." The Office will send all communications concerning the application to this person at the address provided in the registration record.

In addition, the applicant should provide the name and address where the certificate of registration should be sent. When completing an online application, this information should be provided on the Mail Address screen. When completing a paper application, this information should be provided in space 9 of the application under the heading "Certificate will be mailed in window envelope to this address."

For guidance in completing the Correspondent field/space, see Chapter 600, Section 622.2. For guidance in providing the mailing address for the certificate, see Chapter 600, Section 622.4.

1103.4(K) Special Handling

Special handling is a procedure for expediting the examination of an application. The U.S. Copyright Office offers this service in certain circumstances where a copyright owner or other interested parties have a compelling reason for the expedited issuance of a certificate of registration. The Office charges an additional fee for this service.

For a detailed discussion of this procedure, see Chapter 600, Section 623.

1103.4(L) Certification

The application must be certified by one of the author(s) named in the application, by the copyright claimant named in the application, by a party that owns one or more of the exclusive rights in the works, or by a duly authorized agent of one of the foregoing parties.

The person who certifies the application certifies that the information provided in the application is correct to the best of his or her knowledge. Knowingly making a false

representation of a material fact in an application, or in any written statement filed in connection with the application, is a crime that is punishable under 17 U.S.C. § 506(e).

For guidance in completing the Certification field/space, see Chapter 600, Section 624.

1104 The Sound Recording / Recorded Work Option

The U.S. Copyright Office has established an administrative procedure that allows an applicant to register a sound recording and the work embodied in that recording with one application and one filing fee. This is known as the "sound recording/recorded work option."

Specifically, an applicant may register a sound recording together with the musical work, dramatic work, or literary work embodied in that recording, provided that the following conditions have been met:

- The sound recording and the recorded work must be fixed in the same phonorecord.
- Both works must be submitted on the same application.
- The claimant for both works must be the same person or organization.
- Both works must be registered in Class SR.

See 37 C.F.R. § 202.3(b)(1)(iv)(A)-(C).

If the sound recording and the recorded work were created by the same author, that author may be named as the copyright claimant (even if the author does not own any of the exclusive rights in the works). A third party may be named as the copyright claimant if that party owns the copyright in both works, and if the applicant provides a transfer statement explaining how the claimant obtained ownership of those rights.

As a general rule, applicants should use the Standard Application when submitting a claim through the electronic registration system, and they should select the option for "Sound Recording" on the Type of Work screen. When submitting a paper application, applicants should use Form SR. *See* 37 C.F.R. § 202.3(b)(2)(iii).

NOTE: An applicant may register a sound recording and a recorded work using the Single Application. But to do so, the applicant must satisfy all of the eligibility requirements for that form (in addition to the other conditions listed above). *See* 37 C.F.R. § 202.3(b)(2)(i)(B)(2). In particular, the sound recording and the recorded work must be created by the same individual, that individual must be the only person featured in the recording, and that individual must own the copyright in both works. For information concerning these requirements, see Chapter 1400, Section 1406.2.

In all cases, the applicant must submit a phonorecord that contains both the sound recording and the recorded work.

- If the works are unpublished, the applicant should submit one complete phonorecord containing the entire copyrightable content of the sound recording and the recorded work.

- If the works were published in the United States after January 1, 1978, the applicant should submit two complete phonorecords of the best edition of those works.

- If the works were published in the United States between February 15, 1972 and December 31, 1977, the applicant should submit two complete phonorecords of the works as they were first published in this country.

- If the works were published solely in a foreign country, the applicant should submit one complete phonorecord of the works as they were first published in that country.

If the works have been published, the applicant also should submit any visually perceptible material that was published with the phonorecords, such as textual or pictorial material appearing on the album cover, sleeve, or other container. *See* 37 C.F.R. § 202.19(b)(2)(i); 37 C.F.R. § 202.20(b)(2)(i), (v), (c)(1)(i)-(iv).

NOTE: A published sound recording and a published musical work may be registered with this option, but only if the musical work was published solely in phonorecords at the time of registration. If the musical work was published in copies (such as sheet music), published in both copies and phonorecords, or published solely in a motion picture before the claim is submitted to the Office, the applicant must submit a separate application for each work: one application for the sound recording, and another application for the musical work. *See* 37 C.F.R. § 202.20(c)(2)(i)(E), (xii). For additional information concerning the deposit requirements for musical works, see Chapter 1500, Section 1509.2(A).

If the Office determines that the sound recording and recorded work are eligible for registration, it will issue one certificate of registration for both works with a registration number beginning with the prefix SR or SRu (depending on whether the works are published or unpublished).

If the sound recording and recorded work are not eligible for this option, the registration specialist may ask the applicant to submit a separate application, deposit, and filing fee for each work, or he or she may simply refuse registration.

1105 Group Registration

The U.S. Copyright Office has established administrative procedures that allow an applicant to register multiple works in certain limited categories with one application and one filing fee. This procedure is known as a group registration. Where applicable, this may be the most convenient and cost effective way to register multiple works of authorship.

Applicants must decide whether group registration is the optimal means of registering the works at issue. Group registration options have particular requirements, and in some cases, limitations. For example, a registration for a group of related works provides less detailed information about the various works in the group. Applicants should weigh the costs and benefits of these various options in determining whether to register a work on an individual basis or as a group.

1105.1 What Is a Group Registration?

When Congress enacted the Copyright Act of 1976, it authorized the Register of Copyrights to establish "the administrative classes into which works are to be placed for purposes of deposit and registration, and the nature of the copies or phonorecords to be deposited in the various classes specified." 17 U.S.C. § 408(c)(1). In addition, Congress gave the Register the discretion to "require or permit... a single registration for a group of related works." *Id*.

As the legislative history explains, allowing "a number of related works to be registered together as a group represent[ed] a needed and important liberalization of the law." H.R. REP. NO. 94-1476, at 154 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5770. Congress recognized that requiring separate applications "where related works or parts of a work are published separately" may impose "unnecessary burdens and expenses on authors and other copyright owners." *Id*. In some cases, requiring separate applications and a separate filing fee may cause copyright owners to forego registration altogether. *See id*.

If copyright owners do not submit their works for registration, the public record will not contain any information concerning those works. This diminishes the overall value of the registration record, and may deprive the public of historical and cultural artifacts that might otherwise be included in the collections of the Library of Congress.

To address these concerns, the Office asked the public for suggestions and comments concerning the types of related works that might be suitable for group registration, as well as the requirements that should govern each group. *See* Part 202 — Registration of Claims to Copyright, 43 Fed. Reg. 763, 765 (Jan. 4, 1978).

1105.2 Group Registration Options

The U.S. Copyright Office currently offers group registration options for the following types of works:

- Unpublished works.
- Serials.
- Newspapers.
- Newsletters.
- Contributions to periodicals.
- Short online literary works.

- Database updates and revisions.
- Questions, answers, and other items prepared for use in a secure test.
- Unpublished photographs.
- Published photographs.

The Office's decision to provide registration options for groups of related works is entirely discretionary, except for the group registration option for contributions to periodicals, which is mandated by Section 408(c)(2) of the Copyright Act.

1105.3 Registration Requirements

An applicant must satisfy certain requirements to obtain a group registration. The specific requirements for each group registration option are discussed in Sections 1106 (unpublished works), 1107 (serials), 1108 (newspapers), 1109 (newsletters), 1110 (contributions to periodicals), 1111 (short online literary works), 1112 (databases), and 1114 (photographs).

Based on its longstanding experience, the U.S. Copyright Office has determined that examining groups of related works imposes administrative costs and burdens on the Office. To examine these claims in an efficient and cost effective manner, the Office strictly applies the requirements for these group registration options. Moreover, the Office does not allow or provide for group registration of works that are not listed in Section 1105.2 or groups of related works that do not satisfy the requirements set forth in Sections 1106 through 1114. *See* Registration of Claims to Copyright: Group Registration of Serials, 55 Fed. Reg. 50,556, 50,556 (Dec. 7, 1990).

If the Office determines that the relevant requirements have not been met, the registration specialist may refuse to register the claim, and if appropriate, may instruct the applicant to prepare a separate application, filing fee, and deposit for each work and submit them for registration on an individual basis. 37 C.F.R. § 202.4(l). Alternatively, the specialist may communicate with the applicant at his or her discretion, if the specialist determines that the problem(s) with the claim can easily be addressed through correspondence.

Likewise, the Office may cancel a group registration if it subsequently determines that the applicant failed to comply with the relevant requirements for these options. 37 C.F.R. §§ 201.7(c)(4)(xi), 202.4(m). The practices and procedures for cancelling a registration are discussed in Chapter 1800, Section 1807.

1105.4 The Scope of a Group Registration

When the U.S. Copyright Office issues a group registration it prepares one certificate of registration for the entire group and assigns one registration number to that certificate.

A registration for a group of unpublished works, a group of photographs, a group of contributions to periodicals, a group of short online literary works, or a group of secure test items covers the copyrightable authorship in each work that is submitted for

registration, and each one is registered as a separate work. 37 C.F.R. § 202.4(n). A registration for a group of serials, newspapers, or newsletters covers the copyrightable authorship in each issue in the group, and in the case of newspapers and serials, each issue is registered as a separate collective work. *See id*.

This rule is consistent with the statutory scheme. The legislative history makes clear that group registration was "a needed and important liberalization of the law [then] in effect," which to that point had required "separate registrations where related works or parts of a work are published separately." H.R. REP. NO. 94-1476, at 154 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5770. In particular, Congress noted that "the technical necessity for separate applications and fees has caused copyright owners to forego copyright altogether." *Id.* Given that context, it would be anomalous for works registered under a group registration option to be given less protection than if they had been registered with separate applications.

With the exception of a registration for a group of database updates, a group registration does not cover the selection and arrangement of the works, because the group itself is not a work of authorship. For similar reasons, the group as a whole is not considered a compilation or a collective work. Instead, the group is merely an administrative classification created solely for the purpose of registering multiple works with one application and one filing fee. *See* 37 C.F.R. § 202.4(n).

Although an applicant may exercise some judgment in selecting and combining the works within the group, these decisions do not necessarily constitute copyrightable authorship. Instead, the selection of works is based solely on the regulatory requirements for the relevant group registration option, and the combination of those works is merely an administrative accommodation that exists solely for the purposes of registration and the convenience of the applicant.

Likewise, the group is not considered a derivative work. *See id*. When a group of works are combined together for the purpose of facilitating registration those works are not "recast, transformed, or adapted" in any way, and the group as a whole is not "a work based upon one or more preexisting works," because there is no copyrightable authorship in simply following the administrative requirements for a group registration option. *See* 17 U.S.C. § 101 (definition of "derivative work").

Copyright owners who use a group registration option may be entitled to claim a separate award of statutory damages for each work – or each issue in the case of serials, newspapers, or newsletters – that is covered by the registration, because a group registration covers each work or each issue that is submitted for registration (rather than the group as a whole). *See* 17 U.S.C. § 504(c)(1) (stating that a copyright owner may be entitled to recover "an award of statutory damages for all infringements involved in the action, with respect to any one work").

By contrast, a group registration for a database covers the updates or revisions that were added to the database during the period specified in the registration. Copyright owners that use this option are entitled to claim only one award of statutory damages in an infringement action, because the updates or revisions to a database are derivative

compilations, and the statute provides that "all the parts of a compilation or derivative work constitute one work." *See id*.

See generally Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341 (June 22, 2020); Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,372-73 (Nov. 6, 2017); Secure Tests, 82 Fed. Reg. 52,224, 52,228 (Nov. 13, 2017); Group Registration of Contributions to Periodicals, 81 Fed. Reg. 86,634, 86,641 (Dec. 1, 2016); Group Registration of Photographs, 81 Fed. Reg. 86,643, 86,652-53 (Dec. 1, 2016).

1106 Group Registration of Unpublished Works

This Section discusses the U.S. Copyright Office's practices and procedures for registering a group of unpublished works. When referring to this option, the Office uses the term "GRUW," which stands for "group unpublished works." As discussed in Section 1106.6, this option replaces the registration accommodation for "unpublished collections," which was eliminated effective March 15, 2019. The Office also offers a separate group registration option for unpublished photographs, which is discussed in Section 1114.

GRUW is intended to benefit individual creators and small businesses who otherwise might not register their unpublished works on an individual basis.

When the Office receives a group of unpublished works, it will examine each work to determine if it contains a sufficient amount of copyrightable authorship, and to confirm that the legal and formal requirements for registration have been met. A registration for a group of unpublished works covers the copyrightable authorship in each work that is submitted for registration, and each work is registered as a separate work. 37 C.F.R. § 202.4(n).

If an unpublished work has been registered with the Office it does not have to be registered again if it is subsequently published (although as discussed in Chapter 500, Section 510.1, the Office will register the first published edition of a work even if the unpublished version and the published version are substantially the same). Registering an unpublished work prior to infringement will preserve the copyright owner's ability to seek statutory damages and/or attorney's fees in an infringement action.

If the Office determines that one or more of the works is uncopyrightable, it will refuse to register those works, and issue a registration for the remaining copyrightable works in the group (if any). 37 C.F.R. § 202.4(l). If the applicant disagrees with the refusal, the applicant may appeal that decision by filing a request for reconsideration. For information concerning this procedure, see Chapter 1700.

See generally Group Registration of Unpublished Works, 84 Fed. Reg. 3693 (Feb. 13, 2019); Group Registration of Unpublished Works, 82 Fed. Reg. 47,415 (Oct. 12, 2017).

1106.1 Eligibility Requirements

A group of unpublished works may be registered with the U.S. Copyright Office, provided that the following conditions have been met:

- All of the works in the group must be unpublished.
- All the works must be registered in the same administrative class.
- The group may include no more than ten works (or up to twenty works when registering a sound recording together with the work embodied in that recording).
- The applicant must provide a title for each work.
- All of the works must be created by the same author or the same joint authors, the authorship statement for each author or joint author must be the same, and the author or joint authors must be named as the claimant for each work.

See 37 C.F.R. § 202.4(c)(1)-(2), (4)-(5), (7).

Works that do not satisfy these requirements cannot be registered with this group registration option.

See generally Group Registration of Unpublished Works, 82 Fed. Reg. 47,415, 47,416-18 (Oct. 12, 2017).

1106.1(A) The Group Must Be Limited to Unpublished Works

An applicant cannot use this option to register a group of published and unpublished works. If any of the works have been published, the applicant should not include those works in the claim. The applicant is responsible for determining if the works are unpublished, and generally, the U.S. Copyright Office will accept that determination unless it is contradicted by the information contained within the registration materials. For a definition and discussion of publication, see Chapter 1900.

See Group Registration of Unpublished Works, 82 Fed. Reg. 47,415, 47,417 (Oct. 12, 2017).

1106.1(B) Works That May Be Registered with this Option

This option may be used to register the following types of unpublished works:

- Individual works.
- Joint works.
- Derivative works.

37 C.F.R. § 202.4(c)(3).

By contrast, this option cannot be used to register the following works, because they contain multiple works of authorship or because claims involving these types of works are too complex for this option:

- Compilations.

- Collective works.
- Databases.
- Websites.
- Architectural works.
- Secure tests.

Id. §§ 202.4(c)(3), 202.11(c)(2), 202.13(c)(1).

1106.1(C) The Number of Works That May Be Included in the Group

Generally, an applicant may include up to ten unpublished works in each claim, but there is a limited exception to this rule for sound recordings. Specifically, this option may be used to register up to ten sound recordings together with the musical work, literary work, or dramatic work embodied in each recording if the following conditions have been met:

- The author/claimant(s) for the sound recording and the work embodied in each recording must be the same person or organization.
- Both works must be embodied in the same phonorecord.
- The works must be submitted for registration in Class SR.

See 37 C.F.R. §§ 202.3(b)(2)(i)(B)*(2)*, 202.4(c)(2).

To be clear, an applicant may register a group of sound recordings that each contains one musical work, dramatic work, or literary work. But they may not register recordings that contain a combination of musical, dramatic, and literary works.

In all cases, the applicant must satisfy the other requirements for this group registration option. In particular, each sound recording and the works embodied in those recordings must be created by the same author or joint authors, and the author(s) must be named as the copyright claimant for all of the works. For example, an applicant may register a group of songs and sound recordings jointly written and performed by Peter and Paul, but may not register a song written by Peter and Paul together with a recording performed solely by Mary.

See Group Registration of Unpublished Works, 82 Fed. Reg. 47,415, 47,417 & n.8 (Oct. 12, 2017).

1106.1(D) The Works Must Be Registered in the Same Administrative Class

The U.S. Copyright Office will assign one registration number to a certificate of registration for a group of unpublished works. The prefix for this number will be based on the administrative classification that best describes the works in the group (TXu for

literary works, VAu for visual art works, PAu for performing arts works, and SRu for sound recordings).

All of the works in the group must be registered in the same administrative class. 37 C.F.R. § 202.4(c)(1). For example, an applicant could register a group of unpublished poems, essays, and short stories, because each work would be classified as a "literary work" for purposes of registration. By contrast, an applicant could not register a group of unpublished stories, photographs, and songs, because these works do not fit within the same administrative class.

When completing the application, applicants should select the administrative class that would be most appropriate for the predominant type of authorship in each work. For example, when registering a group of comic strips that contain a substantial amount of artwork combined with some text, applicants should select the class for "visual arts works." When registering a group of illustrated short stories that contain a substantial amount of text combined with some drawings, applicants should select the class for "literary works." If the types of authorship in each work are roughly equal – as in the case of a children's book – applicants may select the class that would be appropriate for either type of authorship. *See* 37 C.F.R. § 202.3(b)(2)(iii).

NOTE: There is a limited exception to this rule for claims involving sound recordings. As discussed in Section 1104, a group of sound recordings may be registered together with the musical work, literary work, or dramatic work embodied in each recording. But to do so, all of the works must be registered in Class SR, which is the administrative class for sound recordings.

See Group Registration of Unpublished Works, 82 Fed. Reg. 47,415, 47,417 (Oct. 12, 2017).

1106.1(E) The Author and Claimant for Each Work Must Be the Same

All of the works in the group must be created by the same author or the same joint authors. For example, an applicant may submit ten songs created solely by Peter, or ten songs created jointly by Peter, Paul, and Mary.

By contrast, an applicant may not register five songs created by Peter together with five songs created by Peter, Paul, and Mary. In this situation, the applicant would need to separate the songs into two groups and submit a separate application for each group: one application for the songs created solely by Peter, and a separate application for the songs created jointly by Peter, Paul, and Mary.

In addition, the author or joint authors must be named as the copyright claimant for each work in the group. For instance, if an applicant submitted five songs created by Peter, that individual must be named as the claimant for each song. If an applicant submitted five songs jointly created by Peter, Paul, and Mary, those individuals must be named as co-claimants for each song.

To be clear, the author or co-authors must be named as the claimant or co-claimants for all of the works being registered – even if the author(s) do not own any of the rights in those works.

This facilitates the examination by allowing the registration specialist to focus on the works themselves, rather than the ownership of each work. Moreover, it is consistent with the basic principle that an author may always be named as the copyright claimant, and the Office's longstanding view that an author may be named as a claimant even if that person does not own any of the exclusive rights when the claim is submitted. 37 C.F.R. § 202.3(a)(3)(i); 42 Fed. Reg. 48,944, 48,945 (Sept. 26, 1977).

See generally Group Registration of Unpublished Works, 82 Fed. Reg. 47,415, 47,418 (Oct. 12, 2017).

1106.2 Application Requirements

To register a group of unpublished works the applicant must complete and submit the online application designated for a "Group of Unpublished Works." 37 C.F.R. § 202.4(c)(8). If an applicant attempts to register multiple unpublished works with the Standard Application or a paper form, the registration specialist may register the first copyrightable work listed in the application or the first copyrightable work uploaded to the electronic registration system. In addition, the specialist may add an annotation stating that the registration only extends to the title listed in the certificate, remove the titles and deposits for the remaining works from the record, and notify the applicant that the registration extends only to the title listed in the certificate and the remaining works may be registered by submitting an appropriate application, deposit, and fee.

1106.3 Filing Fee Requirements

The applicant must submit the correct filing fee for this group registration option. *See* 37 C.F.R. §§ 201.3(c), 202.4(c). The current fee is set forth in the U.S. Copyright Office's fee schedule under the heading "Registration of a claim in a group of unpublished works."

For information concerning the methods for paying the filing fee, see Chapter 1400, Sections 1412.3 through 1412.5.

1106.4 Deposit Requirements

This Section discusses the deposit requirements for registering a group of unpublished works.

Applicants must submit one complete copy or phonorecord of each work that is included in the group, and each work must be submitted in an electronic format. Applicants should not submit physical copies or physical phonorecords, such as print-outs, photocopies, CDs, DVDs, or the like. *See* 37 C.F.R. § 202.4(c)(9).

Specifically, applicants must upload each work to the electronic registration system as a separate electronic file, and each file must be uploaded in an acceptable file format. A current list of acceptable file formats is posted on the Office's website, along with guidance on how to upload the files.

When completing the application, applicants must provide a title for each work in the group. As discussed in Section 1106.5(B), the file name assigned to each electronic file should match the corresponding title provided in the application. If the titles and file names do not match each other, the registration specialist may communicate with the applicant (which will delay the registration decision), the specialist may remove the mismatched titles and files from the registration record, or the specialist may simply refuse registration.

Example:

- Annette Cole intends to register three songs titled "The Birthday Party," "The Dinner Party," and "The Wedding Party." She plans to upload these songs in three separate mp3 files. Annette should provide the following information in the application, and the digital files she uploads to the Copyright Office should be named as follows:

Titles Listed in the Application	File Names for the Digital Uploads
The Birthday Party	the_birthday_party.mp3
The Dinner Party	the_dinner_party.mp3
The Wedding Party	the_wedding_party.mp3

For additional guidance on file naming convention, consult the help text that accompanies the GRUW application. In all cases, the works must be submitted in an orderly manner and the size of each upload must not exceed 500MB. Applicants may compress the works to comply with this limitation.

The U.S. Copyright Office recognizes that there may be cases where an author may not have a digital copy of his or her works or may find it difficult to create a digital copy for purposes of seeking a group registration. If an applicant is unable to upload a particular work to the electronic system, the applicant may request special relief from the deposit requirements.

A request for special relief must be made in writing, and it should explain why the applicant is unable to upload a digital copy of the works. The Office may grant a request for special relief, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. *See* 37 C.F.R. §§ 202.4(c)(10), 202.20(d)(1)(iii), (iv).

For a general discussion of special relief, see Chapter 1500, Section 1508.8.

1106.5 Completing the Application: Group Registration of Unpublished Works

As discussed in Section 1106.2, applicants must use the online application for a "Group of Unpublished Works" as a condition for seeking a group registration. This Section provides guidance for completing the application.

NOTE: The U.S. Copyright Office offers a separate application that may be used to register a group of unpublished photographs. For information concerning this application, see Section 1114.2.

The application may be submitted by the author/claimant, the owner of any of the exclusive rights in the works, or a duly authorized agent of these parties. *See* 37 C.F.R. § 202.4(c)(8).

To access the application, applicants should select the phrase "Register a Group of Unpublished Works," which appears on the home page of the electronic registration system. The system will generate a brief statement describing the eligibility requirements for this option. If these requirements have been met, the applicant should check the box that appears next to the following statement: "I agree that I have read, understood, and meet all eligibility requirements described above for filing the selected Group Registration."

NOTE: In exceptional cases, the Office may waive the online filing requirement, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. 37 C.F.R. § 202.4(c)(10). A request to waive this requirement must be made in writing. It should explain why the applicant is unable to use the online application, and it should be sent to the following address:

Associate Register of Copyrights and
Director of Registration Policy & Practice
Registration Program
U.S. Copyright Office
101 Independence Avenue SE
Washington, DC 20559

1106.5(A) Type of Works

As discussed in Section 1106.1(D), all of the works must be registered in the same administrative class.

When completing the application, applicants should review the administrative classes listed in the drop down menu marked "Type of Work." The system will generate a brief statement describing each class.

The applicant should select the class that best describes the works being registered. Once a selection has been made, the applicant should check the box that appears next to the following statement: "Click the box to confirm that you have read the description above and selected the entry that best describes the 'type of work' you are registering."

If the works do not fit within the same administrative class, the applicant should prepare a separate application for each type of work. For example, poems are considered "literary works" and cartoons are considered "works of the visual arts." Thus, if the author created five poems and five cartoons, the applicant should prepare one application for the poems (selecting the option for *Literary Work*) and a separate application for the cartoons (selecting the option for *Work of the Visual Arts*).

NOTE: There is a limited exception to this rule for claims involving sound recordings. As discussed in Section 1106.1(D), a group of sound recordings may be registered together with the musical work, literary work, or dramatic work embodied in each recording. But to do so, the applicant must select the administrative class for "sound recordings."

1106.5(B) Titles of the Works

The applicant must provide a title for each work in the group. Guidance for completing this portion of the application is provided in the help text that accompanies the "Titles" screen. If the applicant fails to provide titles, the registration specialist may communicate with the applicant (which will delay the registration decision) or may refuse registration.

A title for the group as a whole will be added automatically by the electronic registration system. The U.S. Copyright Office will use this title to identify the registration in its online public record. The group title will consist of the title of the first work listed in the application followed by the phrase "and [1, 2, 3, 4, 5, 6, 7, 8, or 9] Other Unpublished Works" (depending on how many works are submitted).

As mentioned in Section 1106.5(G), claims in the selection, coordination, or arrangement of the group as a whole are not permitted on the application. If the applicant provides a "collection" title, the specialist will remove that term without communicating with the applicant.

The applicant should upload a complete copy or phonorecord of each work in the group. As discussed in Section 1106.4, the file name assigned to each work should match the corresponding title given on the "Titles" screen. If the titles and file names do not match each other, the specialist may ask the applicant to resubmit the files (which will delay the registration decision), the specialist may remove the mismatched titles and files from the registration record, or the specialist may simply refuse registration.

Example:

- Brad Ashley intends to register three songs titled "Memorial Day," "Independence Day," and "Labor Day." He plans to upload these songs in three separate mp3 files. The Office will accept:

Titles Listed in the Application	File Names for the Digital Uploads
Memorial Day	memorial_day.mp3

Titles Listed in the Application	File Names for the Digital Uploads
Independence Day	independence_day.mp3
Labor Day	labor_day.mp3

The Office will not accept:

Titles Listed in the Application	File Names for the Digital Uploads
Memorial Day	memorial_day.mp3
Independence Day	fourth_of_july.mp3
Labor Day	labor_day.mp3

In the second situation, the Office will remove the title "Independence Day" from the application and will remove "fourth_of_july.mp3" from the deposit. The Office will issue a registration that covers the two remaining songs: "Memorial Day" and "Labor Day."

1106.5(C) Year of Completion / Year of Creation

The applicant should identify the year that the works were completed. If all of the works were completed in the same year, the applicant should enter that year in the space provided on the Completion screen. If the works were completed over an extended period of time, the applicant should provide the year of completion for the most recent work in the group. For example, if the author completed the works in 2016, 2017, and 2018, the applicant should state "2018."

For additional guidance on completing this portion of the application, see Chapter 600, Section 611.

1106.5(D) Authors / Claimants

As discussed in Section 1106.1(E), all of the works must be created by the same author or the same joint authors, and the author or joint authors must be named as the copyright claimant for each work.

The applicant should identify the author or joint authors on the Author/Claimant screen – unless the author created the works anonymously or used his or her pseudonym on the works and does not want to reveal his or her real name in the registration record.

For guidance in completing the Author/Claimant screen, consult the help text that accompanies this portion of the application. For information concerning anonymous and pseudonymous works, see Section 1106.5(E).

1106.5(E) Anonymous and Pseudonymous Works

A work is "anonymous" if the author is not identified on the copies or phonorecords of that work. A work is "pseudonymous" if the author is identified on the copies or phonorecords solely by a fictitious name, pen name, stage name, or other pseudonym. If the author's real name appears on the copies or phonorecords, the work is neither anonymous nor pseudonymous, even if the author does not want to reveal his or her identity in the registration record.

Applicants may register a group of anonymous works or pseudonymous works with this option. But to do so, the works must be identified as such in the application, and all of the works must be created anonymously or they must be created under the same pseudonym. 37 C.F.R. § 202.4(c)(6). For example, an applicant could register four stories by "Anonymous" or four stories by "Mark Twain" (a.k.a. Samuel Clemens), but an applicant could not register all of these stories with the same application.

If the author's name does not appear on any of the works – and if the author does not want to reveal his or her identity in the registration record – the applicant should check the box indicating that the works were created anonymously. The term "Anonymous" will be added automatically to the field for the author's "First Name." The field for the Author's "Last Name" should be left blank.

If the author's pseudonym appears on all of the works – and if the author does not want to reveal his or her identity in the registration record – the applicant should check the box indicating that the works are pseudonymous, and should provide the author's pseudonym in the fields for the author's "First Name" and "Last Name."

Ordinarily, the copyright for an anonymous or pseudonymous work endures for a term of 95 years from the year of publication or 120 years from the year of creation, whichever expires first. 17 U.S.C. § 302(c). However, if the author's real name or identity is revealed in the registration record, the copyright will endure until 70 years after the author's death. *Id.*; *see also* H.R. REP. NO. 94-1476, at 137 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5753.

IMPORTANT NOTE: If the author does not want to reveal his or her identity in the registration record, the applicant should not include the author's real name anywhere in the application, including the Author/Claimant, Correspondent, Mail Certificate, and Certification screens. If the author's real name is included in the application it will become part of the public record, and it cannot be removed once the U.S. Copyright Office has issued a registration.

If the author wants to reveal his or her identity in the registration record, the applicant should enter the author's first and last name in the fields provided, and the boxes for anonymous and pseudonymous works should be left blank. If the author would like to

include his or her legal name and pseudonym in the registration record, the applicant should do the following:

- Provide the author's legal name in the "First Name/Last Name" fields.
- Leave the Pseudonym box unchecked.
- Provide the author's pseudonym in the "Note to Copyright Office" field on the certification screen. For example, the applicant may state "Author's pseudonym 'Mark Twain' appears on the copies of these works."

For additional guidance on pseudonyms, consult the help text that accompanies the GRUW application.

If some – but not all – of the works are anonymous or pseudonymous, the applicant may register all of the works with the same application. But to do so, the author must disclose his or her identity in the registration record. For example, if the author created three paintings, and if her real name appears on the first painting, her pseudonym appears on the second, and no name appears on the third, the paintings could be registered together. But the author would have to include her real name in the registration record for all three paintings.

For additional information concerning anonymous and pseudonymous works, see Chapter 600, Section 615.

1106.5(F) Works Made for Hire

An unpublished work may be registered as a "work made for hire" if it satisfies the statutory definition for such works, and if it is identified as such in the application. 37 C.F.R. § 202.4(c)(6). Specifically, this option may be used to register (i) a group of works created by an employee acting within the scope of his or her employment, or (ii) a group of works specially ordered or commissioned for use as a contribution to a collective work or one of the other types of works listed in the statutory definition, provided that the parties expressly agree in a written instrument signed by them that each work shall be considered a "work made for hire."

If the works satisfy these requirements, the employer or the party that ordered or commissioned the works should be named as the author of each work in the group, and that person or organization should be named as the claimant for those works. 37 C.F.R. § 202.4(c)(6).

NOTE: An applicant may register an unpublished work that was jointly created by an individual and an organization. But because the works must be created by the same author or joint authors, and because the author(s) must be named as the copyright claimant, a work created for an organization pursuant to a work made for hire agreement cannot be registered together with a work created by an individual who assigned his or her rights to the organization through a transfer of ownership.

For additional information concerning works made for hire, see Chapter 500, Section 506.

1106.5(G) Author Created

The applicant must provide a brief statement that describes the copyrightable authorship that the author contributed to each work.

If the works were created by two or more authors, then as discussed in Section 1106.1, the authorship statement for each author must be exactly the same.

For example, if the author created ten pieces of jewelry, the applicant should select the option for "unpublished jewelry designs." If two authors jointly created the jewelry designs, the applicant should use the same term to describe each author's contribution to the works. For additional examples that illustrate this practice, consult the help text that accompanies the application.

If the terms provided in the author created field do not describe each and every work in the group, the applicant should prepare a separate application for each type of work. For instance, if the author created three drawings and two figurines, the applicant should separate the works into two groups and prepare one application for the drawings (which would be described as "unpublished illustrations") and another application for the figurines (which would be described as "unpublished sculptural works").

NOTE: Although an applicant may exercise some judgment in selecting and arranging the works that are included within the group, those decisions do not necessarily constitute copyrightable authorship. Often times, the selection is based on the regulatory requirements for this option, and the combination of those works is merely an administrative accommodation that facilitates the examination of each work. For this reason, applicants may not assert a claim in the selection, coordination, and/or arrangement of the group as a whole when they complete the application. And the group as a whole is not considered a compilation or a collective work. 37 C.F.R. § 202.4(c)(7), (n).

1106.5(H) Limitation of Claim

If the works contain an appreciable amount of material that has been previously published or previously registered, the applicant should exclude that material from the claim. Likewise, applicants should disclaim material that is owned by a third party or material that is in the public domain.

Specifically, the applicant should briefly describe this material on the Limitation of Claim screen in the field marked Material Excluded. The U.S. Copyright Office will assume that the applicant intends to register all copyrightable aspects of the works that have not been expressly disclaimed in this portion of the application.

If the material was previously registered with the U.S. Copyright Office, the applicant should also provide the registration number and year of registration that has been assigned to that material. If the Office issued multiple registrations for this material, the applicant should provide the number and year for the most recent registration.

For additional information concerning the U.S. Copyright Office's practices and procedures for limiting the scope of a copyright claim, see Chapter 600, Section 621.

1106.5(I) Rights and Permissions Information

The applicant may provide the name, address, and other contact information for the person and/or organization who should be contacted for permission to use the works that are being registered. Providing this information is optional, and the application will be accepted even if the Rights & Permissions Information screen is left blank.

For guidance in completing this portion of the application, see Chapter 600, Section 622.1.

1106.5(J) Correspondent / Mailing Address for the Certificate of Registration

The applicant should provide the name, email address, telephone number, fax number (if any), and mailing address for the person or persons who should be contacted if the U.S. Copyright Office has questions or concerns regarding the application. This information should be provided on the Correspondent screen.

In addition, the applicant should provide the name and address where the certificate of registration should be sent. This information should be provided on the Mail Address screen.

IMPORTANT NOTE: If the applicant checked the box on the Author/Claimant screen indicating that the works are anonymous or pseudonymous, and if the author does not want to reveal his or her identity in the registration record, then as discussed in Section 1106.5(E), the author should not provide his or her real name in the of the application. Instead, the applicant should provide contact information for the author's duly authorized agent, or the author should provide a pseudonym if the author is completing the application on his or her own behalf.

For guidance in completing this portion of the application, see Chapter 600, Sections 622.2 and 622.4.

1106.5(K) Special Handling

Special handling is a procedure for expediting the examination of an application. The U.S. Copyright Office offers this service in certain circumstances where a copyright owner or other interested parties have a compelling reason for the expedited issuance of a certificate of registration. The Office charges an additional fee for this service.

For a detailed discussion of this procedure, see Chapter 600, Section 623.

1106.5(L) Certification

The application must be certified by the author/claimant named in the application, by the owner of one or more of the exclusive rights in the issues, or by a duly authorized agent of the author/claimant or the owner of exclusive rights.

The person who certifies the application certifies that the information provided in the application is correct to the best of his or her knowledge. Knowingly making a false representation of a material fact in an application, or in any written statement filed in connection with the application, is a crime that is punishable under 17 U.S.C. § 506(e).

When completing the Certification screen, the applicant should provide the first and last name of the individual who certified the application in the space marked Name of Certifying Individual. There is no need to date the certification; the date will be added automatically when the application is received. 37 C.F.R. § 202.3(c)(3)(iv).

In addition, the applicant should check the appropriate box indicating whether this person is the author/claimant, an owner of the exclusive rights in the works, or an authorized agent of the author/claimant or an owner of exclusive rights.

IMPORTANT NOTE: If the applicant checked the box on the Author/Claimant screen indicating that the works are anonymous or pseudonymous, and if the author does not want to reveal his or her identity in the registration record, then as discussed in Section 1106.5(E), the author should not provide his or her real name in the certification field. Instead, the application should be certified by the author's duly authorized agent or an owner of the exclusive rights in the works. Alternatively, the author may provide his or her pseudonym in the certification field if the author is completing the application on his or her own behalf.

1106.6 Unpublished Collections Eliminated March 15, 2019

As mentioned in Sections 1106 and 1114, the registration accommodation for "unpublished collections" was eliminated effective March 15, 2019. This option has been replaced by the group registration option for unpublished works (GRUW) and the group registration option for unpublished photographs (GRUPH).

The "unpublished collections" accommodation was established when the Office first promulgated regulations implementing the Copyright Act of 1976. It established a procedure for registering multiple "self-contained works" as a "single work" "on a single application and upon payment of a single registration fee." *See* Part 202 – Registration of Claims to Copyright, 43 Fed. Reg. 965, 966 (Jan. 5, 1978). The regulation provided that "[i]n the case of unpublished works, all copyrightable elements that are otherwise recognizable as self-contained works, and are combined in a single unpublished 'collection'" "shall be considered a single work." 37 C.F.R. § 202.3(b)(4)(i) (1978).

Additional information concerning the unpublished collections option is available in prior versions of the *Compendium*. *See Compendium of U.S. Copyright Office Practices* § 1106 (3d ed. 2017); *Compendium of Copyright Office Practices* § 607.02 (2d ed. 1988); *Compendium of Copyright Office Practices* at S-6 (1st ed. 1973). For information concerning the elimination of this option, see Group Registration of Unpublished Works, 82 Fed. Reg. 47,415 (Oct. 12, 2017) and Group Registration of Unpublished Works, 84 Fed. Reg. 3693 (Feb. 13, 2019).

1107 Group Registration of Serials

This Section discusses the U.S. Copyright Office's practices and procedures for registering a group of serials. When referring to this option, the Office uses the term "GRSE," which stands for "group serials."

For guidance on registering a single issue of a serial publication, see Chapter 700, Section 712. For information concerning the group registration options for newspapers and newsletters, see Sections 1108 and 1109. For an overview of the similarities and differences between the group registration options for serials, newspapers, and newsletters, see Section 1116. For information concerning the group registration option for contributions to periodicals, see Section 1110.

See generally Group Registration of Newsletters and Serials, 83 Fed. Reg. 61,546 (Nov. 30, 2018); Group Registration of Serials, 83 Fed. Reg. 22,896 (May 17, 2018); Registration of Claims to Copyright: Group Registration of Serial Issues Filed Electronically, 77 Fed. Reg. 66,920 (Nov. 8, 2012); Registration of Claims to Copyright: Group Registration of Serials, 55 Fed. Reg. 50,556 (Dec. 7, 1990).

1107.1 What Is a Serial?

For purposes of this group registration option, a serial is defined as a work that is issued or intended to be issued on an established schedule in successive parts bearing numerical or chronological designations that are intended to be continued indefinitely. Examples include periodicals (including newspapers), annuals, the journals and proceedings of societies, and other similar works. *See* 37 C.F.R. § 202.3(b)(1)(v).

1107.2 Eligibility Requirements

A group of serials may be registered with the U.S. Copyright Office, provided that the following conditions have been met:

- Each issue in the group must be a serial as defined in Section 1107.1.
- The group must contain at least two issues.
- Each issue must be an all-new collective work that has not been previously published. These requirements are discussed in Sections 1107.2(A) and 1107.2(C) below.
- Each issue must be fixed and distributed as a discrete, self-contained collective work, as described in Section 1107.2(D).
- Each issue must be a work made for hire.
- The author(s) and the copyright claimant(s) for each issue must be the same person or organization.
- The claim to copyright must be limited to the collective work, as discussed in Section 1107.2(B).

- All of the issues must be published under the same continuing title.
- The serial generally must be published at intervals of a week or longer, such as a weekly or monthly publication.
- All of the issues must be published within a period of three months within the same calendar year (*e.g.*, January 1st through March 31st, February 1st through April 30th, October 1st through December 31st, etc.), and the applicant must specify the date of publication for each issue in the group.

See 37 C.F.R. § 202.4(d)(1)(i)-(v).

Serials that do not satisfy these requirements cannot be registered using this group registration option.

If the applicant is unable to register a particular issue using this group registration option, the applicant may submit a separate application for that issue using the online application for a "Single Serial Issue" or a paper application submitted on Form SE. For information concerning the procedures for registering a single issue of a serial publication, see Chapter 700, Section 712.

1107.2(A) The Collective Work Requirement

A serial must be a collective work to qualify for this group registration option. 37 C.F.R. § 202.4(d)(1)(iii).

A serial will be considered a collective work if it contains "a number of contributions" that constitute "separate and independent works in themselves," and if the contributions "are assembled into a collective whole" "in such a way that the resulting work as a whole constitutes an original work of authorship." 17 U.S.C. § 101 (definition of "collective work" and "compilation").

For example, a journal that contains multiple articles, photographs, and illustrations could be considered a collective work if those contributions are selected, coordinated, and arranged in a sufficiently creative manner. By contrast, a monthly publication would not satisfy this requirement if the publisher simply combined all of the articles from a particular source and republished them in chronological order.

1107.2(B) Collective Work Authorship

A collective work contains two different types of authorship:

- The compilation authorship in creating each issue, which involves selecting, coordinating, and/or arranging a number of separate and independent works and assembling them into a collective whole; and
- The authorship in the separate and independent works included within each issue, such as articles, photographs, illustrations, or other contributions.

As a general rule, a registration for a collective work covers the authorship involved in creating the issue as a whole. It also covers the individual contributions contained within the collective work if they were first published in that issue, and if they are fully owned by the copyright claimant when the claim is submitted.

1107.2(C) All New Collective Works

A serial may qualify as an "all-new" collective work if it contains a sufficient amount of compilation authorship that has not been previously published. In other words, there must be a sufficient amount of new expression in the selection, coordination, and arrangement of the articles, photographs, illustrations, or other content appearing in each issue. Whether the content itself is entirely new is irrelevant to this determination. For example, an issue that contains a brand new selection, coordination, and arrangement of content could be considered "all-new," even if that individual content has been previously published in that serial – such as advertisements appearing in previous issues.

1107.2(D) Discrete, Self-Contained Collective Works

Each issue in the group must be fixed and distributed as a discrete, self-contained collective work. 37 C.F.R. § 202.4(d)(1)(iii).

An applicant may satisfy this requirement if the serial as a whole is fixed in a tangible medium of expression, and if the content of each issue does not change once it has been distributed. For example, a publisher that hand-delivers each issue to its subscribers, or distributes them through newsstands or other retail outlets, would satisfy this requirement because the serial is clearly fixed and distributed in a physical format. A publisher that emails an electronic serial to its subscribers may satisfy this requirement if each issue contains a fixed selection of content, such as a PDF version of a physical publication. Similarly, a publisher that allows its subscribers to download an eSerial from its website may satisfy this requirement if each issue is distributed as a collective work and the content of each issue does not change once it has been distributed.

By contrast, a website would not satisfy this requirement. Websites typically add, archive, and/or replace content on a continuing basis. As such, they are not fixed and distributed as discrete, self-contained works. Moreover, these updates are rarely distributed on an established schedule, and rarely contain numerical or chronological designations distinguishing one update from the next. For this reason, websites are not considered "serials" for purposes of registration.

If a serial contains content that appears in both the issue itself and on the publisher's website, the registration may cover that material if it was first published in the serial issue, is fully owned by the claimant at registration, and if the registration specialist can access and view that material in the context where it appears within the issue. Any content that appears on the publisher's website – but does not appear within the issues themselves – must be registered separately.

See Group Registration of Serials, 83 Fed. Reg. 22,896, 22,898 (May 17, 2018); Group Registration of Newsletters and Serials, 83 Fed. Reg. 61,546, 61,547 (Nov. 30, 2018); Group Registration of Serials, 84 Fed. Reg. 60,918 (Nov. 12, 2019).

1107.3 Application Requirements

A group of serials may be registered with the U.S. Copyright Office by submitting the online application designated for "Serial Issues." The Office will not accept claims that are submitted with a paper application or with the Standard Application designated for a "Single Issue Serial" or a "Literary Work." *See* 37 C.F.R. § 202.4(d)(2).

The application may be submitted by the author/claimant for the serial issues, the owner of any of the exclusive rights in the issues, or a duly authorized agent of these parties. *See* 37 C.F.R. § 202.4(d)(2).For guidance on completing the online application, see Section 1107.6.

1107.4 Filing Fee Requirements

The applicant must submit the correct filing fee for this group registration option. *See* 37 C.F.R. § 202.4(d). The current fee is set forth in the U.S. Copyright Office's fee schedule under the heading "Registration of a group of serials (per issue, with minimum two issues)."

For information concerning the methods for paying the filing fee, see Chapter 1400, Sections 1412.3 through 1412.5.

1107.5 Deposit Requirements

This Section discusses the deposit requirements for registering a group of serials.

1107.5(A) Digital Copies Required

Applicants should submit a digital copy of each issue, regardless of whether the serial is published in a physical or electronic form. 37 C.F.R. § 202.4(d)(3)(i). The issues should be uploaded to the electronic registration system in PDF format, and the applicant should prepare a separate PDF file for each issue in the group.

Example:

- *Feline Fancy* is published on a monthly basis. To register the issues for January, February, and March, the applicant should submit three PDF files containing a complete copy of each issue.

The entire content of each issue should be contained within the same electronic file (including the cover, if any), and the content should be assembled in an orderly form with the pages shown in sequential reading order.

The PDF files should be viewable and searchable, and they must be free of any access restrictions, such as password protection, watermarks, or other Digital Rights Management (DRM).

The PDF files should contain embedded fonts, meaning that the fonts used in each issue should be included within the file itself. If the fonts are embedded, the registration specialist should be able to see the fonts that appeared in each issue when it was

originally published. Consult the help text that accompanies the online application for guidance in determining whether the fonts have been properly embedded.

See 37 C.F.R. § 202.4(d)(3)(i).

1107.5(B) File Naming Convention for Digital Copies

If an ISSN number has been assigned to the serial, the PDF files should be named using the following convention:

- GRSE_[ISSN number]_[date of publication YYYYMMDD].pdf

For example, the file name for an issue published on April 13, 2019 under ISSN 1234-5678 would be "GRSE_ 12345678_ 20190413.pdf."

Applicants should include underscores between each element of the file name, but leave out the hyphen in the middle of the ISSN number. Be sure to include two digits for both the month and day, such as 01, 02, 03, etc. (not 1, 2, 3, etc.).

If an ISSN has not been assigned to the serial, the publisher may request a number from the U.S. ISSN Center. To do so, complete the ISSN application form and make a PDF copy of the front page of one issue (including the masthead or nameplate) and any internal page that contains the editorial bloc, masthead, and publisher information. The completed form and a PDF copy of these two pages should be emailed to issn.application@loc.gov.

If the publisher has applied for an ISSN but has not received it yet, state "pending" in the file name for each issue as follows:

- GRSE_pending_[date of publication YYYYMMDD].pdf

Alternatively, the publisher may name the PDF files using the following convention:

- GRSE_[title_of_serial]_[date of publication YYYYMMDD].pdf

Do not include any special characters in the file name. For example, the file name for a serial titled *Labradors & Golden Retrievers* published on June 1, 2019 would be issue "GRSE_ labradors_golden_retrievers_ 20190601.pdf" (omitting the ampersand).

1107.5(C) Uploading the Digital Files

The applicant should upload each issue to the electronic registration system. The applicant may submit all the files during the same upload session, and all the files may be uploaded at the same time. They do not need to be uploaded one by one. For step-by-step instructions on how to upload files to the electronic registration system, consult the tutorial on the U.S. Copyright Office's website.

IMPORTANT NOTE: The file size for each PDF must not exceed 500 MB. If necessary, the files may be compressed to fit within this limit, but applicants should not submit the issues in a compressed file, such as a .cab, .rar, or .zip file.

1107.5(D) Special Relief

As a general rule, the U.S. Copyright Office will not accept physical copies, such as a print copy of each issue. Likewise, the Office will not accept digital copies that have been saved onto a flash drive, disc, or other electronic storage device.

The Office recognizes that there may be cases where a publisher may not have a digital copy of their issues or may find it difficult to create a digital copy for purposes of seeking a group registration. If an applicant is unable to upload a particular issue to the electronic system, the applicant may request special relief from the deposit requirements. 37 C.F.R. § 202.4(d)(4).

A request for special relief must be made in writing, and it should explain why the applicant is unable to upload digital files that satisfy the deposit requirements described in Section 1107.5(A). The Office may grant a request for special relief, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. *See* 37 C.F.R. § 202.20(d)(1)(iii), (iv).

Requests for special relief will be considered on a case-by-case basis. But the fact that a serial is published in a physical form does not necessarily mean that a request will be granted. Serials are typically created using digital publishing software, even though the issue itself may be distributed in a physical form. The Office may accept an electronic file that was used to create the physical copy, if it contains a complete copy of the issue and satisfies the other legal and formal requirements for this group registration option.

For a general discussion of special relief, see Chapter 1500, Section 1508.8.

1107.6 Completing the Application: Group Registration of Serials

This Section provides guidance for completing the online application designated for a group of "Serial Issues."

As discussed in Section 1107.3, applicants must use this form as a condition for seeking a group registration. If an applicant attempts to use a paper application or the Standard Application designated for a "Single Issue Serial" or a "Literary Work," the U.S. Copyright Office will refuse registration and instruct the applicant to submit a new application, filing fee, and deposit through the electronic registration system.

NOTE: The online application does not contain spaces where the applicant can provide information regarding the individual contributions appearing within each issue, such as title, author, or copyright transfer information. The certificate of registration and the online public record for a group registration will identify only the title, author/claimant, and publication information for each issue in the group.

See Group Registration of Serials, 83 Fed. Reg. 22,896, 22,899 (May 17, 2018).

1107.6(A) Type of Group

When completing the online application, the applicant should begin by clicking the phrase "Register Certain Groups of Published Works," which appears on the home page of the electronic registration system. Next the applicant should select "Serial Issues" from the drop down menu that appears on the Type of Group screen.

Once a selection has been made, the system will generate a brief statement describing the eligibility requirements for this group registration option. If these requirements have been met, the applicant should check the box that appears next to the following statement: "I agree that I have read, understood, and meet all eligibility requirements described above for filing the selected Group Registration."

1107.6(B) Identifying the Serial

The applicant should provide the title of the serial exactly as it appears on the deposit copies. The applicant should provide this information on the Title screen in the field marked Serial Title. For guidance on providing the volume number, issue number, and publication date for each issue, see Section 1107.6(E).

NOTE: All of the issues should be published under the same continuing title. The applicant should complete the field marked Previous/Alternative Title only (i) if the serial was previously published under a different title, (ii) if the serial is known by a different title or by a title that is written in a different language, or (iii) if a person would likely search for the serial in the U.S. Copyright Office's records under a different title.

1107.6(C) International Standard Serial Number (ISSN)

If an International Standard Serial Number ("ISSN") has been assigned to the serial, the applicant may provide this information on the Title screen. Specifically, the applicant should select ISSN from the drop down menu marked ISN Type and provide the relevant number in the field marked International Standard Number.

If an ISSN is included in the application, the number will appear on the certificate of registration, and in the online public record for the claim. The U.S. Copyright Office will not review the ISSN to determine if it matches the number appearing on the deposit copies. Therefore, applicants should ensure that the number is entered correctly.

For a general discussion of ISSN numbers, see Chapter 600, Section 612.6(C).

1107.6(D) Nation of First Publication / Author's Citizenship

The applicant should identify the country where the issues were first published by selecting one of the countries listed in the drop down menu marked Nation of Publication. The U.S. Copyright Office will use this information to determine whether the issues are eligible for copyright protection in the United States. If the applicant fails to provide a nation of first publication, the application will not be accepted by the electronic registration system. If the nation of first publication is unknown, the applicant may select "not known" from the drop down menu.

For a definition and discussion of the nation of first publication, see Chapter 600, Section 612. For a definition and discussion of the author's citizenship, see Chapter 600, Section 617.

1107.6(E) Volume, Number, Issue Date, and Date of Publication

As discussed in Section 1107.2, the applicant must include at least two issues in the group. The issues generally must be published at intervals of a week or longer. And the issues must be published within a three-month period within the same calendar year.

The group option may be used to register serials that are published every week, every two weeks, every month, or every other month. It also may be used if the publisher occasionally distributes multiple issues during the same week, such as when a "special" issue is published in addition to a regularly scheduled issue. However, this option cannot be used to register issues that are published on a quarterly, semi-annual, or annual basis, or issues that are published in different years. *See* Group Registration of Serials, 83 Fed. Reg. 22,896, 22,898 n.7 (May 17, 2018).

The applicant should provide the volume, number, and issue date (if any) that appears on the copy of each issue in the group. In addition, the applicant should provide the date of publication (month, day, and year) for each issue.

To provide this information, the applicant should select "New" on the Title screen, enter the title and nation of publication in the fields provided, and then select "Save." Next the applicant should select "New" and enter the publication date for the earliest issue in the group. The date that appears on that issue (if any) should be entered in the field marked "Issue Date." If a volume number or other numerical designation appears on the issue, the applicant should provide that information in the fields marked "volume" and number." The applicant should select "Save" and repeat this process for the rest of the issues in the group.

On occasion, a serial may be published in one month, but may contain an issue date for the following month, such as when an issue published in December contains an issue date for January of the following year. As a general rule, the registration specialist will accept a claim if the publication dates given in the application fall within a three month period within the same calendar year – even if they do not match the dates that appear on the deposit copies. See Group Registration of Serials, 83 Fed. Reg. 61,546, 61,547 (Nov. 30, 2018).

For a general discussion of publication issues, see Chapter 600, Section 612.

1107.6(F) Author / Claimant

As discussed in Section 1107.2, each issue in the group must be created as a work made for hire, the issues must be created by the same author, and the author and the copyright claimant must be the same person or organization.

The applicant should provide the author/claimant's full name and address on the Author/Claimant screen.

Each issue must be an all-new collective work that has not been published before, and the claim in each issue must be limited to the collective work. When the application is submitted, the term "collective work authorship" will be added automatically to the form.

The registration specialist will examine each issue as a whole to determine if it contains sufficient compilation authorship to warrant registration. And the specialist will review each issue to determine whether it contains "a number of contributions" constituting "separate and independent works in themselves." 17 U.S.C. § 101 (definition of "collective work"); Group Registration of Serials, 82 Fed. Reg. 22,896, 22,899 (May 17, 2018).

As discussed in Section 1107.2(B), a claim in the "collective work" covers the compilation authorship involved in creating each issue as a whole, including the selection, coordination, and/or arrangement of the individual contributions appearing within the issue. A claim in the "collective work" also covers the authorship in the individual articles, photographs, illustrations, or other contributions included within each issue – if they were first published in that issue and if they are fully owned by the author/claimant when the application is filed.

1107.6(G) Rights and Permissions Information

The applicant may provide the name, address, and other contact information for the person and/or organization who should be contacted for permission to use the issues that are included in the group. Providing this information is optional, and an application will be accepted even if the Rights & Permissions screen is left blank.

For guidance in completing this portion of the application, see Chapter 600, Section 622.1.

1107.6(H) Correspondent / Mailing Address for the Certificate of Registration

The applicant should provide the name, email address, telephone number, fax number (if any), and mailing address for the person or persons who should be contacted if the U.S. Copyright Office has questions or concerns regarding the application. The applicant should provide this information on the Correspondent screen. The Office will send all communications to this person at the address provided in the registration record.

In addition, the applicant should provide the name and address where the certificate of registration should be sent. This information should be provided on the Mail Address screen.

For guidance in completing the Correspondent field/space, see Chapter 600, Section 622.2. For guidance in providing the mailing address for the certificate, see Chapter 600, Section 622.4.

1107.6(I) Special Handling

Special handling is a procedure for expediting the examination of an application. The U.S. Copyright Office offers this service in certain circumstances where a copyright

owner or other interested parties have a compelling reason for the expedited issuance of a certificate of registration. The Office charges an additional fee for this service.

For a detailed discussion of this procedure, see Chapter 600, Section 623.

1107.6(J) Certification

The application must be certified by the author/claimant named in the application, by the owner of one or more of the exclusive rights in the issues, or by a duly authorized agent of the author/claimant or the owner of one or more of the exclusive rights in the issues.

The person who certifies the application certifies that the information provided in the application is correct to the best of his or her knowledge. Knowingly making a false representation of a material fact in an application, or in any written statement filed in connection with the application, is a crime that is punishable under 17 U.S.C. § 506(e).

When completing an online application, the applicant should provide the first and last name of the individual who certified the application in the space marked Name of Certifying Individual. In addition, the applicant should check the box that reads, "I certify that I am the author, copyright claimant, or owner of exclusive rights, or the authorized agent of the author, copyright claimant, or owner of exclusive rights of this work and that the information given in this application is correct to the best of my knowledge." There is no need to date the certification; the date will be added automatically when the application is received by the U.S. Copyright Office. *See* 37 C.F.R. § 202.3(c)(3)(iv).

1107.7 Scope of Protection for Serial Issues Registered Under the Group Registration Option

A registration for a group of serial issues covers each issue in the group, and each issue is registered as a separate collective work. 37 C.F.R. § 202.4(n).

As discussed in Section 1107.2(A), a group registration may cover the articles, photographs, illustrations, or other contributions appearing within each issue. Specifically, the registration covers the individual contributions if they were first published in those issues and if the contributions were fully owned by the copyright claimant when the claim was submitted. If the contributions were not fully owned by the copyright claimant, or if they were previously published, then the group registration will not extend to those contributions. This may have several consequences in an infringement action. First, a group registration may be used to satisfy the statutory requirements for instituting an infringement action involving any of the issues that were included within the group, or any of the individual contributions appearing within those issues—provided that the claimant fully owned those contributions at the time the application was submitted, and provided that the contributions were first published in one of those issues. *See* 17 U.S.C. § 411(a).

Second, the group as a whole is not considered a compilation, a collective work, or a derivative work. Instead, the group is merely an administrative classification created solely for the purpose of registering multiple issues with one application and one filing fee. The chronological selection, coordination, and arrangement of the issues within the

group is entirely dictated by the regulatory requirements for this option. Likewise, when a group of serials are combined for the purpose of facilitating registration, those issues are not "recast, transformed, or adapted" in any way, and the group as a whole is not "a work based upon one or more preexisting works," because there is no copyright authorship in simply collecting a group of issues that were published within a three month period. 17 U.S.C. § 101 (definition of "derivative work").

See generally Group Registration of Serials, 83 Fed. Reg. 22,896, 22,899 (May 17, 2018).

1108 Group Registration of Newspaper Issues

This Section discusses the U.S. Copyright Office's practices and procedures for registering a group of newspaper issues. When referring to this option, the Office uses the term "GRNP," which stands for "group newspapers."

For guidance on registering a single issue of a newspaper, see Chapter 700, Section 712.2. For information concerning the group registration options for serials and newsletters, see Sections 1107 and 1109. For a general overview of the similarities and differences between the group registration options for serials, newspapers, and newsletters, see Section 1116. For information concerning the group registration option for contributions to periodicals, see Section 1110.

See generally Group Registration of Newspapers, 84 Fed. Reg. 60,917 (Nov. 12, 2019); Group Registration of Newspapers, 84 Fed. Reg. 3698 (Feb. 13, 2019); Group Registration of Newspapers, 83 Fed. Reg. 4144 (Jan. 30, 2018); Group Registration of Newspapers, 82 Fed. Reg. 51,369 (Nov. 6, 2017); *see also* H.R. REP. NO. 94-1476, at 154 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5770 (citing "the various editions or issues of a daily newspaper" as an example of a group of related works that might qualify for group registration).

1108.1 What Is a Newspaper?

For purposes of this group registration option, a newspaper is defined as a periodical that is mainly designed to be a primary source of written information on current events, either local, national, or international in scope. A newspaper contains a broad range of news on all subjects and activities and is not limited to any specific subject matter. Newspapers are intended for either the general public or a particular ethnic, cultural, or national group. *See* 37 C.F.R. § 202.4(e)(1).

Newspapers are considered "periodicals" for purposes of registration. A periodical is "a collective work that is issued or intended to be issued on an established schedule in successive issues that are intended to be continued indefinitely. In most cases, each issue will bear the same title, as well as numerical or chronological designations." 37 C.F.R. § 202.4(b)(3).

The group registration option may be used to register any newspaper that satisfies this definition, regardless of whether the Library of Congress has selected that newspaper for its collections. *See* Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,371 (Nov. 6, 2017).

1108.2 Eligibility Requirements

A group of newspaper issues may be registered with the U.S. Copyright Office, provided that the following conditions have been met:

- Each issue in the group must be a newspaper, as defined in Section 1108.1.
- Each issue must be an all-new collective work that has not been published before (except in cases where earlier editions of the same issue are submitted together with the final edition). These requirements are discussed in Sections 1108.2(A) and 1108.2(C) below.
- Each issue must be fixed and distributed as a discrete, self-contained collective work, as described in Section 1108.2(D).
- The claim in each issue must be limited to the collective work, as discussed in Section 1108.2(B).
- Each issue must be a work made for hire, and the author and claimant for each issue must be the same person or organization.
- All the issues must be published under the same continuing title.
- All the issues must be published within the same calendar month and they must bear issue dates within that month.
- The applicant must identify the earliest and latest date that the issues were published.

See 37 C.F.R. § 202.4(e)(1)-(4).

Newspapers that do not satisfy these requirements cannot be registered using this group registration option. *See* Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,371 (Nov. 6, 2017).

If the applicant is unable to register a particular issue with this option, the applicant may submit a separate application for that issue using the online application for a "Single Serial Issue" or a paper application submitted on Form SE. For information concerning the procedures for registering a single issue of a serial publication, see Chapter 700, Section 712.2.

1108.2(A) The Collective Work Requirement

A newspaper must be a collective work to qualify for the group registration option. 37 C.F.R. § 202.4(e)(2).

A newspaper will be considered a collective work if it contains "a number of contributions" that constitute "separate and independent works in themselves," and if the contributions "are assembled into a collective whole" "in such a way that the

resulting work as a whole constitutes an original work of authorship." 17 U.S.C. § 101 (definition of "collective work" and "compilation").

For example, a newspaper that contains multiple articles, photographs, illustrations, and advertisements could be considered a collective work if those contributions are selected, coordinated, and arranged in a sufficiently creative manner. By contrast, a work that that contains a single article and a single photograph would not be considered a collective work, because it does not contain a sufficient number of contributions. H.R. REP. NO. 94-1476, at 122 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5737.

1108.2(B) Collective Work Authorship

Newspapers are, by definition, collective works, and as such, they contain two different types of authorship:

- The compilation authorship in creating each issue, which involves selecting, coordinating, and/or arranging a number of separate and independent works and assembling them into a collective whole; and

- The authorship in the separate and independent works included within each issue, such as articles, photographs, illustrations, or other contributions.

As a general rule, a registration for a collective work covers the authorship involved in creating the collective work as a whole. It also covers the individual contributions contained within the collective work if they are fully owned by the copyright claimant and if they were first published in that work.

When the registration specialist reviews a group registration claim, he or she will examine the issues as a whole to determine if they contain sufficient compilation authorship to warrant registration. And the specialist will review the issues to determine if they contain "a number of contributions" constituting "separate and independent works in themselves." 17 U.S.C. § 101 (definition of "collective work").

If the claim is approved, the registration will cover the compilation authorship involved in creating each issue as a whole, as well as the authorship in the individual articles, photographs, illustrations, or other contributions appearing within each issue – if they were first published in those issues and if they are fully owned by the author/claimant when the application is filed. By contrast, if an issue contains contributions that are not fully owned by the author/claimant, and/or if they were previously published, the registration will not extend to those contributions.

See Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,372-73 (Nov. 6, 2017).

1108.2(C) All New Collective Works

A newspaper may qualify as an "all-new" collective work if it contains a sufficient amount of new compilation authorship. In other words, there must be a sufficient amount of new expression in the selection, coordination, and arrangement of the articles, photographs, illustrations, or other content appearing in each issue. The fact that the content itself is entirely new is irrelevant to this determination. For example, an

issue could be considered "all-new" if it contains a brand new selection, coordination, and arrangement of content, even if that individual content has been previously published in the newspaper – such as advertisements appearing in previous issues. *See* Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,372 (Nov. 6, 2017).

1108.2(D) Discrete, Self-Contained Collective Works

Each newspaper issue in the group must be fixed and distributed as a discrete, self-contained collective work. 37 C.F.R. § 202.4(e)(2).

An applicant may satisfy this requirement if the newspaper as a whole is fixed in a tangible medium of expression, and the content of each issue does not change once it has been distributed. For example, a publisher that hand-delivers each issue to its subscribers, or distributes them through newsstands, vending machines, or other retail outlets, would satisfy this requirement because the newspaper is clearly fixed and distributed in a physical format. A publisher that emails an electronically printed ("ePrint") newspaper to its subscribers may satisfy this requirement if each issue contains a fixed selection of content, such as a PDF version of a physical publication. Similarly, a publisher that allows its subscribers to download an ePrint newspaper from its website may satisfy this requirement if each issue is distributed as a collective work and the content of each issue does not change once it has been distributed.

By contrast, a newspaper website would not satisfy this requirement. Newspaper websites typically add, archive, and/or replace content on a continuing basis. As such, they are not fixed and distributed as discrete, self-contained works. Moreover, these updates are rarely distributed on an established schedule, and rarely contain numerical or chronological designations distinguishing one update from the next. For this reason, websites are not considered "newspapers" for purposes of registration.

See Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,373 (Nov. 6, 2017).

1108.3 Application Requirements

To register a group of newspaper issues the applicant must complete and submit the online application designated for this group option. The U.S. Copyright Office will not accept claims that are submitted with the Standard Application or a paper form. 37 C.F.R. § 202.4(e)(5).

For guidance on completing the online application, see Section 1108.6.

1108.4 Filing Fee Requirements

The applicant must submit the correct filing fee for this group registration option. 37 C.F.R. § 202.4(e). The current fee is set forth in the U.S. Copyright Office's fee schedule under the heading "Registration of a claim in a group of newspapers or a group of newsletters."

For information concerning the methods for paying the filing fee, see Chapter 1400, Sections 1412.3 through 1412.5.

1108.5 Deposit Requirements

This Section discusses the deposit requirements for registering a group of newspaper issues.

1108.5(A) Digital Copies Required

In all cases, applicants must submit a digital copy of each issue, and must upload these copies through the electronic registration system. *See* 37 C.F.R. § 202.4(e)(6)(i), (ii)(A). The specific requirements for these digital deposits are discussed in Sections 1108.5(A)(1) through 1108.5(A)(4).

1108.5(A)(1) Final Edition Required; Early Editions and Local Editions Permitted

Applicants must upload a complete copy of the final edition of each issue published during the month specified in the application. 37 C.F.R. § 202.4(e)(6)(i).

If two or more editions were published on the same date, the applicant may submit the earlier edition(s) together with the final edition. Applicants also may include "local" editions of the newspaper if they were published within the same metropolitan area, such as the Brooklyn, Bronx, Manhattan, Queens, and Staten Island editions of a New York City newspaper. *See id.*; *see also* H.R. REP. NO. 94-1476, at 153 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5769 (authorizing "exceptions or special provisions" for "multipart newspaper editions").

Applicants may not combine "national" or "regional" editions that were distributed outside a given metropolitan area, because they typically have different ISSN numbers, and thus, are considered different newspapers. To register a national or regional edition of a particular newspaper, applicants should submit a separate application, filing fee, and deposit for those issues. *See* Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,370 n.3 (Nov. 6, 2017).

Examples:

- The morning edition and final edition of the *Providence Post* could be registered as a group.
- The Manhattan, Long Island, and Sussex editions of the *New York Examiner* could be registered as a group.
- The East Coast and West Coast editions of *Show Biz Daily* could not be registered as a group, although they could be registered as two separate groups.

In all cases, the early, local, and final editions for a particular date should be arranged in sequential reading order, and they should be combined within the same digital file (assuming the file does not exceed the 500 MB file size requirement discussed in Section 1108.5(A)(4) below). *See* 82 Fed. Reg. at 51,375.

1108.5(A)(2) PDF Format Required

The issues must be submitted in PDF format, and the applicant must upload a separate PDF file for each issue in the group. The issues should be assembled within each PDF in an orderly form with the pages arranged in sequential reading order.

Example:

- The *Daily Planet* published thirty-one issues in the month of January. To register these issues, the applicant should submit thirty-one PDF files containing a complete copy of the final edition of each issue published during that month.

The PDF files must be viewable and searchable, and they must be free of any access restrictions, such as password protection, watermarks, or other Digital Rights Management (DRM).

The PDF files must contain embedded fonts, meaning that the fonts used in each issue should be included within the file itself. If the fonts are embedded, the registration specialist should be able to see the fonts that appeared in each issue when it was originally published. Consult the help text that accompanies the online application for guidance in determining whether the fonts have been properly embedded.

See 37 C.F.R. § 202.4(e)(6)(ii)(A); Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,375 (Nov. 6, 2017).

1108.5(A)(3) File Naming Convention

Each PDF file should be named using the following convention:

- GRNP_[ISSN number]_date of publication_YYYYMMDD].pdf

For example, the file name for an issue published on March 1, 2018 under ISSN 1234-5678 would be "GRNP_ 12345678_ 20180301.pdf."

As mentioned in Section 1108, "GRNP" is an abbreviation for "group newspapers." The Library of Congress will use this term to identify the source of these PDF files and to distinguish them from copies received from other sources.

Applicants should include underscores between each element of the file name, but leave out the hyphen in the middle of the ISSN number. Be sure to include two digits for both the month and day, such as 01, 02, 03, etc. (not 1, 2, 3, etc.).

If an ISSN has not been assigned to the newspaper, the publisher may request a number from the U.S. ISSN Center. To do so, complete the ISSN Newspaper Application Form and make a PDF copy of the front page of one issue (including the masthead or nameplate) and any internal page that contains the editorial bloc, masthead, and publisher information. The completed form and a PDF copy of these two pages should be emailed to issngrnp@loc.gov with the subject line "Group Registration of Newspapers."

If the publisher has applied for an ISSN but has not received it yet, state "pending" in the file name for each issue as follows:

- GRNP_pending_[date of publication YYYYMMDD].pdf

See 37 C.F.R. § 202.4(e)(6)(ii)(A); Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,375 (Nov. 6, 2017).

1108.5(A)(4) Uploading the Digital Files

The applicant must upload each issue to the electronic registration system, and each issue must be contained in a separate PDF file.

The applicant may submit all the files during the same upload session, and all the files may be uploaded at the same time. They do not need to be uploaded one by one. For step-by-step instructions on how to upload files to the electronic registration system, consult the tutorial on the U.S. Copyright Office's website.

IMPORTANT NOTE: The file size for each PDF must not exceed 500 MB. If necessary, the files may be compressed to fit within this limit, but applicants should not submit the issues in a compressed file, such as a .cab, .rar, or .zip file.

See 37 C.F.R. § 202.4(e)(6)(ii)(A); Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,375 (Nov. 6, 2017).

1108.5(B) Special Relief from the Deposit Requirements

If the PDF files do not comply with the technical requirements described in Sections 1108.5(A)(1) through 1108.5(A)(4), the Copyright Acquisitions Division ("CAD") may contact the publisher and ask for replacement files. If the publisher does not provide replacement files, CAD will notify the Literary Division, which will review the publisher's future submissions for similar deficiencies and may refuse registration if there are similar defects. *See* Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,375 (Nov. 6, 2017).

The U.S. Copyright Office recognizes that there may be cases where a publisher may not have a digital copy of their issues or may find it difficult to create a digital copy for purposes of seeking a group registration. If an applicant is unable to upload a particular issue to the electronic system, the applicant may request special relief from the deposit requirements. *See id*. at 51,375, 51,376.

A request for special relief must be made in writing, and it should explain why the applicant is unable to upload digital files that satisfy the deposit requirements described in Section 1108.5(A). The Office may grant a request for special relief, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. *See* 37 C.F.R. § 202.20(d)(1)(iii), (iv).

Requests for special relief will be considered on a case-by-case basis. But the fact that a newspaper is published in a physical form does not necessarily mean that a request will

be granted. Newspapers are typically created using digital publishing software, even though the issue itself may be distributed in a physical form. The Office may accept an electronic file that was used to create the physical copy, if it contains a complete copy of the issue and satisfies the other legal and formal requirements for this group registration option.

For a general discussion of special relief, see Chapter 1500, Section 1508.8.

1108.6 Completing the Application: Group Registration of Newspaper Issues

This Section provides guidance for completing the online application for a group of newspaper issues.

The application may be submitted by the author/claimant for the newspaper issues, the owner of any of the exclusive rights in the issues, or a duly authorized agent of these parties. *See* 37 C.F.R. § 202.4(e)(5).

As discussed in Section 1108.3, applicants must use this form as a condition for seeking a group registration. If an applicant attempts to use the Standard Application or a paper application, the U.S. Copyright Office will refuse registration and instruct the applicant to submit a new application, filing fee, and deposit through the electronic registration system. *See* Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,374 (Nov. 6, 2017).

NOTE: The application for group newspapers does not contain spaces where the applicant can provide information regarding the individual contributions appearing within each issue, such as title, author, or copyright transfer information. The certificate of registration and the online public record for a group registration will only identify the title, author/claimant, and publication information for the earliest and most recent issues in the group.

1108.6(A) Type of Group

The applicant should begin by clicking the phrase "Register Certain Groups of Published Works," which appears on the home page of the electronic registration system. Next, the applicant should select "Daily Newspapers" from the options listed in the drop down menu marked Type of Group.

NOTE: Although the application is labeled "daily newspapers," this form may be used to register any newspaper that satisfies the definition set forth in Section 1108.1, regardless of whether issues are published on a daily basis. *See* Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,371 (Nov. 6, 2017).

Once a selection has been made, the system will generate a brief statement describing the eligibility requirements for this group registration option. If these requirements have been met, the applicant should check the box that appears next to the following statement: "I agree that I have read, understood, and meet all eligibility requirements described above for filing the selected Group Registration."

1108.6(B) Identifying the Newspaper

The applicant should provide the title of the newspaper exactly as it appears on the deposit copies, including any subtitle(s). As mentioned in Section 1108.2, the title that appears on each issue must be the same.

The applicant should identify the month and year that the issues were published. As mentioned in Section 1108.2, all the issues must be published within the same calendar month and the same calendar year.

In addition, the applicant should identify the city and state where the newspaper was published. If the issues were not published in a particular city or state, the applicant may provide the name of the country where the issues were published.

The applicant should provide this information on the Title screen in the fields marked "Title of Newspaper," "City/State," and "Month/Year." If the applicant fails to complete this portion of the application, the claim will not be accepted by the electronic registration system.

If the applicant intends to submit "local editions" that were published within the same metropolitan area, the applicant should identify the city, town, or municipality served by that newspaper. For example, the applicant should state "New York, NY" when registering the Brooklyn, Bronx, Manhattan, Queens, and Staten Island editions of a New York City newspaper.

If a specific edition statement appears on each issue (such as "Late Edition" or "Final Edition"), this information may be provided on the title screen in the field marked "Edition." Likewise, if the Sunday and daily editions are published under different titles (but under the same ISSN) the applicant may identify each edition in this portion of the application.

1108.6(C) International Standard Serial Number (ISSN)

As discussed in Section 1108.5(A), applicants must upload a digital copy of each issue, and the file-name for each issue must include the ISSN that has been assigned to the newspaper.

Applicants are encouraged to provide this number in the application itself. Specifically, the number may be provided on the Title screen in the field marked "ISSN." If the ISSN is included in this portion of the application, it will appear on the certificate of registration, and in the online public record for the claim.

The U.S. Copyright Office will not review the ISSN to determine if it matches the number appearing on the deposit copies (if any). Therefore, applicants should ensure that the number is entered correctly.

1108.6(D) Publication Dates for the Issues in the Group

All of the issues must be published within the same month and the same year, and the applicant must provide the date of publication for the earliest and most recent issues in

the group. If the issues were published in different months or different years, the registration specialist will refuse to register the claim. *See* Group Registration of Newspapers, 82 Fed. Reg. 51,369, 51,372 (Nov. 6, 2017).

This information should be provided on the Publication screen in "MM/YYYY" format. For example, if the issues were published on a daily basis in March 2018, the applicant should enter "03/01/2018" for the earliest issue in the group and "03/31/2018" for the most recent issue in the group. If the applicant fails to complete this portion of the application, the claim will not be accepted by the electronic registration system.

1108.6(E) Nation of First Publication

The applicant should identify the nation where the issues were first published. This information should be provided on the Publication screen by selecting one of the countries listed in the drop down menu marked Nation of Publication.

The U.S. Copyright Office will use this information to determine if the issues are eligible for copyright protection in the United States. If the applicant fails to provide a nation of first publication, the application will not be accepted by the electronic registration system. If the nation of first publication is unknown, the applicant may select "not known" from the drop down menu.

For a definition and discussion of nation of first publication, see Chapter 600, Section 612.

1108.6(F) Number of Issues in the Group

The applicant must submit a complete copy of the final edition of each issue that was published during the month specified in the application. On the Publication screen, the applicant should specify the total number of issues that will be submitted by selecting the appropriate number from the drop down menu marked "Number of Issues in This Group."

The U.S. Copyright Office will use this information to verify that a PDF copy of each issue has been received. If the applicant fails to complete this portion of the application, the claim will not be accepted by the electronic registration system.

1108.6(G) Author / Claimant

Each issue in the group must be a work made for hire, and the author(s) and the claimant(s) must be the same person or organization. The applicant should provide the author/claimant's name and address in the relevant fields on the Author/Claimant screen.

Each issue must be an all-new collective work that has not been published before, and the claim in each issue must be limited to the collective work. When the application is submitted, the term "collective work authorship" will be added automatically to the form.

As discussed in Section 1108.2(B), a claim in the "collective work" covers the compilation authorship involved in creating each issue as a whole, including the selection, coordination, and/or arrangement of the individual contributions appearing within the issue. A claim in the "collective work" also covers the authorship in the individual articles, photographs, illustrations, or other contributions included within each issue – if they were first published in that issue and if they are fully owned by the author/claimant when the application is filed.

1108.6(H) Rights and Permissions Information

The applicant may provide the name, address, and other contact information for the person and/or organization who should be contacted for permission to use the issues that are included in the group. Providing this information is optional, and the application will be accepted even if the Rights & Permissions Information screen is left blank.

For guidance in completing this portion of the application, see Chapter 600, Section 622.1.

1108.6(I) Correspondent / Mailing Address for the Certificate of Registration

The applicant should provide the name, email address, telephone number, fax number (if any), and mailing address for the person or persons who should be contacted if the U.S. Copyright Office has questions or concerns regarding the application. This information should be provided on the Correspondent screen.

In addition, the applicant should provide the name and address where the certificate of registration should be sent. This information should be provided on the Mail Address screen.

For guidance in completing this portion of the application, see Chapter 600, Sections 622.2 and 622.4.

1108.6(J) Special Handling

Special handling is a procedure for expediting the examination of an application. The U.S. Copyright Office offers this service in certain circumstances where a copyright owner or other interested parties have a compelling reason for the expedited issuance of a certificate of registration. The Office charges an additional fee for this service.

For a detailed discussion of this procedure, see Chapter 600, Section 623.

1108.6(K) Certification

The application must be certified by the author/claimant named in the application, by the owner of one or more of the exclusive rights in the issues, or by a duly authorized agent of the author/claimant or the owner of one or more of the exclusive rights in the issues.

The person who certifies the application certifies that the information provided in the application is correct to the best of his or her knowledge. Knowingly making a false representation of a material fact in an application, or in any written statement filed in connection with the application, is a crime that is punishable under 17 U.S.C. § 506(e).

When completing the Certification screen, the applicant should provide the first and last name of the individual who certified the application in the space marked Name of Certifying Individual. In addition, the applicant should check the box that reads, "I certify that I am the author, copyright claimant, or owner of exclusive rights, or the authorized agent of the author, copyright claimant, or owner of exclusive rights of this work and that the information given in this application is correct to the best of my knowledge." There is no need to date the certification; the date will be added automatically when the application is received. *See* 37 C.F.R. § 202.3(c)(3)(iv).

1108.7 Scope of Protection for Newspaper Issues Registered Under the Group Registration Option

A registration for a group of newspaper issues covers each issue in the group, and each issue is registered as a separate collective work. 37 C.F.R. § 202.4(n). This may have several consequences in an infringement action.

First, a group registration may be used to satisfy the statutory requirements for instituting an infringement action involving any of the newspaper issues that were included within the group, or any of the individual contributions appearing within those issues—provided that the copyright claimant fully owned those contributions at the time the application was submitted, and provided that the contributions were first published in one of those issues. *See* 17 U.S.C. § 411(a).

Second, a group registration may also be used to satisfy the plaintiff's burden of proof by providing a presumption of validity for each registered issue. Specifically, a certificate of registration "constitute[s] prima facie evidence of the validity of the copyright and of the facts stated in the certificate." 17 U.S.C. § 410(c). A group registration thus creates a presumption that the claimant owns the copyright in each issue listed in the certificate, and a presumption that the copyright law protects each issue as a whole.

Finally, the group as a whole is not considered a compilation, a collective work, or a derivative work. Instead, the group is merely an administrative classification created solely for the purpose of registering multiple collective works with one application and one filing fee. The chronological selection, coordination, and arrangement of the issues within the group is entirely dictated by the regulatory requirements for this option. Likewise, when a group of newspaper issues are combined for the purpose of facilitating registration, those works are not "recast, transformed, or adapted" in any way, and the group as a whole is not "a work based upon one or more preexisting works" because there is no copyright authorship in simply collecting a month of issues and arranging them in chronological order. 17 U.S.C. § 101 (definition of "derivative work").

1109 Group Registration of Newsletters

This Section discusses the U.S. Copyright Office's practices and procedures for registering a group of newsletter issues. When referring to this option, the Office uses the term "GRNL," which stands for "group newsletters."

For guidance on registering a single issue of a serial publication, see Chapter 700, Section 712. For information concerning the group registration options for serials and newspapers, see Sections 1107 and 1108. For a general overview of the similarities and differences among the group registration options for serials, newspapers, and newsletters, see Section 1116. For information concerning the group registration option for contributions to periodicals, see Section 1110.

See generally Group Registration of Newsletters and Serials, 83 Fed. Reg. 61,546 (Nov. 30, 2018); Group Registration of Newsletters, 83 Fed. Reg. 22,902 (May 17, 2018); Registration of Claims to Copyright; Group Registration of Daily Newsletters, 64 Fed. Reg. 29,522 (June 1, 1999); Registration of Claims to Copyright; Group Registration of Daily Newsletters, 60 Fed. Reg. 15,874 (Mar. 28, 1995).

1109.1 What Is a Newsletter?

For purposes of this group registration option, a newsletter is defined as a serial that is published and distributed by mail, electronic media, or other medium, including paper, email, or download. (The term "serial" is defined in Section 1107.1.) The serial must contain news or information that is chiefly of interest to a special group, such as trade and professional associations, colleges, schools, or churches. Newsletters are typically sold by subscription, but they are not sold on newsstands or through other retail outlets. *See* 37 C.F.R. § 202.4(f)(1)(i).

1109.2 Eligibility Requirements

A group of newsletter issues may be registered with the U.S. Copyright Office, provided that the following conditions have been met:

- Each issue in the group must be a newsletter as defined in Section 1109.1.
- The group must contain at least two issues.
- Each issue must be an all-new collective work or an all-new issue that has not been published before. This requirement is discussed below in Section 1109.2(A).
- Each issue must be fixed and distributed as a discrete, self-contained work, as described in Section 1109.2(B).
- The author(s) and the copyright claimant(s) for all of the issues must be the same person or organization.
- Each issue must be published under the same continuing title.

- Each issue must be published in the same calendar month and bear issue dates within that month, and the applicant must identify the earliest and most recent date that the issues were published during that month.

See 37 C.F.R. § 202.4(f)(1)(i)-(v).

Newsletters that do not satisfy these requirements cannot be registered using this group registration option.

If the applicant is unable to register a particular issue using the group registration option for newsletters, the applicant may submit a separate application for that issue using the online application for a "Single Issue Serial" or a paper application submitted on Form SE. For information concerning the procedures for registering a single issue of a serial publication, see Chapter 700, Section 712.2.

1109.2(A) Each Work Must Be an All-New Issue or an All-New Collective Work

A newsletter may be eligible for group registration if it qualifies as an "all-new" issue or an "all-new" collective work. 37 C.F.R. § 202.4(f)(1)(iii).

A newsletter will be considered a collective work if it contains "a number of contributions" that constitute "separate and independent works in themselves," and if the contributions "are assembled into a collective whole" "in such a way that the resulting work as a whole constitutes an original work of authorship." 17 U.S.C. § 101 (definition of "collective work" and "compilation"). For example, a newsletter that contains multiple articles, photographs, illustrations, and advertisements could be considered a collective work if those contributions are selected, coordinated, and arranged in a sufficiently creative manner.

An issue that contains a single article and a single photograph would not be considered a collective work, because it does not contain a sufficient number of contributions. H.R. REP. NO. 94-1476, at 122 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5737. Nevertheless, an issue may still be eligible for group registration if it satisfies the other requirements set forth in Section 1109.2.

In this respect, the newsletter option differs from the group registration options for serials and newspapers. To register a group of serials or newspapers, each issue in the group must be a collective work. By contrast, a publisher may register a group of newsletters, regardless of whether the issues satisfy the statutory definition for a collective work.

A newsletter may qualify as an "all new" collective work if it contains a sufficient amount of new compilation authorship. In other words, there must be new expression in the selection, coordination, and/or arrangement of the articles, photographs, or other content appearing in each issue. Whether the content itself is entirely new is irrelevant to this determination. For instance, an issue that contains a brand new selection, coordination, and arrangement of content could be considered "all new," even if that content has been previously published in the newsletter, such as advertisements appearing in previous issues.

See Group Registration of Newsletters, 83 Fed. Reg. 22,902, 22,903-04 (May 17, 2018).

1109.2(B) Discrete, Self-Contained Works

Each newsletter issue must be fixed and distributed as a discrete, self-contained work. 37 C.F.R. § 202.4(f)(1)(iii). A newsletter may satisfy this requirement if the issue as a whole is fixed in a tangible medium of expression, and the content of each issue does not change once it has been distributed. For example, a publisher that mails a newsletter to its subscribers would satisfy this requirement, because the issue is clearly fixed and distributed in a physical format. A publisher that emails an electronically printed ("ePrint") newsletter to its subscribers may satisfy this requirement if each issue contains a fixed selection of content, such as a PDF version of a physical publication. Similarly, a publisher that allows its subscribers to download an ePrint newsletter from its website may satisfy this requirement if each issue is distributed as a self-contained work and if the content of each issue does not change once it has been downloaded.

By contrast, a newsletter website would not satisfy this requirement. Websites typically add, archive, and/or replace content on a continuing basis. As such, they are not fixed and distributed as discrete, self-contained works. Moreover, these updates are rarely distributed on an established schedule, and rarely contain numerical or chronological designations distinguishing one update from the next. For this reason, websites are not considered "newsletters" for purposes of registration.

See Group Registration of Newsletters, 83 Fed. Reg. 22,902, 22,904 (May 17, 2018).

1109.3 Application Requirements

To register a group of newsletter issues the applicant must complete and submit the online application designated for this group option. The U.S. Copyright Office will not accept claims that are submitted with the Standard Application or a paper form. 37 C.F.R. § 202.4(f)(2).

For guidance on completing the online application, see Section 1109.6.

1109.4 Filing Fee Requirements

The applicant must submit the correct filing fee for this group registration option. *See* 37 C.F.R. § 202.4(f). The current fee is set forth in the U.S. Copyright Office's fee schedule under the heading "Registration of a claim in a group of newspapers or a group of newsletters."

For information concerning the methods for paying the filing fee, see Chapter 1400, Sections 1412.4 and 1412.5.

1109.5 Deposit Requirements

This Section discusses the deposit requirements for registering a group of newsletter issues.

1109.5(A) Digital Copies Required

Applicants should submit a digital copy of each issue, regardless of whether the newsletter is published in a physical or electronic form. 37 C.F.R. § 202.4(f)(3). The issues should be uploaded to the electronic registration system in PDF format, and the applicant should prepare a separate PDF file for each issue in the group.

Example:

- The American Association of Gastroenterology published eight issues in the month of January. To register these issues, the applicant should submit eight PDF files containing a complete copy of each issue.

The entire content of each issue should be contained within the same electronic file (including the cover, if any), and the content should be assembled in an orderly form with the pages shown in sequential reading order.

The PDF files should be viewable and searchable, and they must be free of any access restrictions, such as password protection, watermarks, or other Digital Rights Management (DRM).

The PDF files should contain embedded fonts, meaning that the fonts used in each issue should be included within the file itself. If the fonts are embedded, the registration specialist should be able to see the fonts that appeared in each issue when it was originally published. Consult the help text that accompanies the online application for guidance in determining whether the fonts have been properly embedded.

See 37 C.F.R. § 202.4(f)(3).

1109.5(B) File Naming Convention

If an ISSN number has been assigned to the newsletter, the PDF files should be named using the following convention:

- GRNL_[ISSN number]_[date of publication YYYYMMDD].pdf

For example, the file name for an issue published on January 15, 2019 under ISSN 1234-5678 would be "GRNL_ 12345678_ 20190115.pdf."

Applicants should include underscores between each element of the file name, but leave out the hyphen in the middle of the ISSN number. Be sure to include two digits for both the month and day, such as 01, 02, 03, etc. (not 1, 2, 3, etc.).

If an ISSN has not been assigned to the newsletter, the publisher may request a number from the U.S. ISSN Center. To do so, complete the ISSN application form and make a PDF copy of the front page of one issue (including the masthead or nameplate) and any internal page that contains the editorial bloc, masthead, and publisher information. The completed form and a PDF copy of these two pages should be emailed to issn.application@loc.gov.

If the publisher has applied for an ISSN but has not received it yet, state "pending" in the file name for each issue as follows:

- GRNL_pending_[date of publication YYYYMMDD].pdf

Alternatively, the publisher may name the PDF files using the following convention:

- GRNL_[title_of_newsletter]_[date of publication YYYYMMDD].pdf

Do not include any special characters in the file name. For example, the file name for a newsletter titled *Gas Storage Bulletin & Report* published on August 1, 2018 would be issue "GRNL_ gas_storage_bulletin_report_20180801.pdf" (omitting the ampersand).

1109.5(C) Uploading the Digital Files

The applicant must upload each issue to the electronic registration system. The applicant may submit all the files during the same upload session, and all the files may be uploaded at the same time. They do not need to be uploaded one by one. For step-by-step instructions on how to upload files to the electronic registration system, consult the tutorial on the U.S. Copyright Office's website.

IMPORTANT NOTE: The file size for each PDF must not exceed 500 MB. If necessary, the files may be compressed to fit within this limit, but applicants should not submit the issues in a compressed file, such as a .cab, .rar, or .zip file.

1109.5(D) Special Relief

As a general rule, the U.S. Copyright Office will not accept physical copies, such as a print copy of each issue. Likewise, the Office will not accept digital copies that have been saved onto a flash drive, disc, or other electronic storage device. Group Registration of Newsletters, 83 Fed. Reg. 22,902, 22,903 (May 17, 2018).

The Office recognizes that there may be cases where a publisher may not have a digital copy of their issues or may find it difficult to create a digital copy for purposes of seeking a group registration. If an applicant is unable to upload a particular issue to the electronic system, the applicant may request special relief from the deposit requirements. 37 C.F.R. § 202.4(f)(4).

A request for special relief must be made in writing, and it should explain why the applicant is unable to upload digital files that satisfy the deposit requirements described in Section 1109.5(A). The Office may grant a request for special relief, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. *See* 37 C.F.R. § 202.20(d)(1)(iii), (iv).

Requests for special relief will be considered on a case-by-case basis. But the fact that a newsletter is published in a physical form does not necessarily mean that a request will be granted. Newsletters are typically created using digital publishing software, even though the issue itself may be distributed in a physical form. The Office may accept an electronic file that was used to create the physical copy, if it contains a complete copy of

the issue and satisfies the other legal and formal requirements for this group registration option.

For a general discussion of special relief, see Chapter 1500, Section 1508.8.

1109.6 Completing the Application: Group Registration of Newsletter Issues

This Section provides instructions for completing the online application for a group of newsletter issues.

The application may be submitted by the author/claimant for the newsletter issues, the owner of any of the exclusive rights in the issues, or a duly authorized agent of these parties. *See* 37 C.F.R. § 202.4(f)(2).

As discussed in Section 1109.3, applicants must use this form as a condition for seeking a group registration. If an applicant attempts to use the Standard Application or a paper application, the U.S. Copyright Office will refuse registration and instruct the applicant to submit a new application, filing fee, and deposit through the electronic registration system.

NOTE: The application for group newsletters does not contain spaces where the applicant can provide information regarding the individual contributions appearing within each issue, such as title, author, or copyright transfer information. The certificate of registration and the online public record for a group registration will only identify the title, author/claimant, and publication information for the earliest and most recent issues in the group.

See Group Registration of Newsletters, 83 Fed. Reg. 22,902, 22,905 (May 17, 2018); Group Registration of Newsletters and Serials, 83 Fed. Reg. 61,546, 61,547 (Nov. 30, 2018).

1109.6(A) Type of Group

The applicant should begin by clicking the phrase "Register Certain Groups of Published Works," which appears on the home page of the electronic registration system. Next, the applicant should select "Daily Newsletters" from the options listed in the drop down menu marked Type of Group.

NOTE: Although the application is labeled "daily newsletters," this form may be used to register any newsletter, even if it is not published on a daily basis.

Once a selection has been made, the system will generate a brief statement describing the eligibility requirements for this group registration option. If these requirements have been met, the applicant should check the box that appears next to the following statement: "I agree that I have read, understood, and meet all eligibility requirements described above for filing the selected Group Registration."

1109.6(B) Identifying the Newsletter

The applicant should provide the title of the newsletter exactly as it appears on the deposit copies, and should identify the month and year that the issues were published. As discussed in Section 1109.2, the title that appears on each issue must be the same, and the issues must be published in the same calendar month and the same calendar year.

In addition, applicants are encouraged to identify the city and state where the newsletter was published. If the issues were not published in a particular city or state, this field may be left blank.

1109.6(C) International Standard Serial Number (ISSN)

As discussed in Section 1109.5(A), applicants must upload a digital copy of each issue, and if an International Standard Serial Number ("ISSN") has been assigned to the newsletter, the applicant should include the ISSN in the file name for each issue. If an ISSN has not been assigned to the newsletter, the publisher may request a number from the U.S. ISSN Center, as discussed in Section 1109.5(B).

Applicants are encouraged to provide the ISSN in the application itself. If the number is entered on the Title screen in the field marked "ISSN", it will appear on the certificate of registration, and in the online public record for the claim.

The U.S. Copyright Office will not review the ISSN to determine if it matches the number appearing on the deposit copies. Therefore, applicants should ensure that the number is entered correctly.

1109.6(D) Publication Dates for the Issues in the Group

As discussed in Section 1109.2, the issues must be published within the same month and the same year, and the applicant must provide the date of publication for the earliest and most recent issues in the group. This information should be provided on the Publication screen in "MM/DD/YYYY" format. For example, if the issues were published every Tuesday and Thursday in December 2018, the applicant should enter "12/04/2018" for the earliest issue in the group and "12/27/2018" for the most recent issue.

1109.6(E) Nation of First Publication

The applicant should identify the nation where the issues were first published. This information should be provided on the Publication screen by selecting one of the countries listed in the drop down menu marked Nation of Publication.

The U.S. Copyright Office will use this information to determine if the issues are eligible for copyright protection in the United States. If the applicant fails to provide a nation of first publication, the application will not be accepted by the electronic registration system. If the nation of first publication is unknown, the applicant may select "not known" from the drop down menu.

For a definition and discussion of nation of first publication, see Chapter 600, Section 612.

1109.6(F) Number of Issues in the Group

As discussed in Section 1109.5(A), the applicant must submit a complete copy of each issue in the group. On the Publication screen, the applicant should specify the total number of issues that will be submitted by selecting the appropriate number from the drop down menu marked "Number of Issues in this Group." The U.S. Copyright Office will use this information to verify that a PDF copy of each issue has been received.

1109.6(G) Author / Claimant

As discussed in Section 1109.2, all the issues in the group must be created by the same author, and the author and the copyright claimant must be the same person or organization.

The applicant should provide the author/claimant's name and address in the relevant fields on the Author/Claimant screen. In addition, the applicant should provide a brief statement on the Author/Claimant screen that best describes the author/claimant's contribution to each issue.

If each issue is a collective work, the applicant may state "collective work" or "collective work authorship" in the "Other" space. A claim in the "collective work" covers the compilation authorship involved in creating the issue as a whole, including the selection, coordination, and/or arrangement of the contributions within each issue. It also covers the authorship in the individual articles, photographs, illustrations, or other contributions – if they were first published in the issue and if they are fully owned by the author/claimant when the application is filed.

Alternatively, the applicant may assert a claim in the collective work and the individual contributions by stating "collective work authorship" in the "Other" space and by checking the box for "contribution(s) by the same author and claimant."

If the applicant states that the newsletter is a collective work, the registration specialist will examine each issue as a whole to determine if it contains sufficient compilation authorship to warrant registration. And the specialist will review the issue to determine whether it contains "a number of contributions" constituting "separate and independent works in themselves." 17 U.S.C. § 101 (definition of "collective work"); Group Registration of Newsletters, 82 Fed. Reg. 22,902, 22,904 (May 17, 2018).

If the newsletter is not a collective work (as described in Section 1109.2(A)) or if these terms do not fully describe the copyrightable authorship that the author/claimant contributed to each issue, the applicant may provide a more specific description in the space marked Other.

1109.6(H) Rights and Permissions Information

The applicant may provide the name, address, and other contact information for the person and/or organization who should be contacted for permission to use the issues

that are included in the group. Providing this information is optional, and the application will be accepted even if the Rights & Permissions Information screen is left blank.

For guidance in completing this portion of the application, see Chapter 600, Section 622.1.

1109.6(I) Correspondent / Mailing Address for the Certificate of Registration

The applicant should provide the name, email address, telephone number, fax number (if any), and mailing address for the person or persons who should be contacted if the U.S. Copyright Office has questions or concerns regarding the application. This information should be provided on the Correspondent screen.

In addition, the applicant should provide the name and address where the certificate of registration should be sent. This information should be provided on the Mail Address screen.

For guidance in completing this portion of the application, see Chapter 600, Sections 622.2 and 622.4.

1109.6(J) Special Handling

Special handling is a procedure for expediting the examination of an application. The U.S. Copyright Office offers this service in certain circumstances where a copyright owner or other interested parties have a compelling reason for the expedited issuance of a certificate of registration. The Office charges an additional fee for this service.

For a detailed discussion of this procedure, see Chapter 600, Section 623.

1109.6(K) Certification

The application must be certified by the author/claimant named in the application, by the owner of one or more of the exclusive rights in the issues, or by a duly authorized agent of the author/claimant or the owner of one or more of the exclusive rights in the issues.

The person who certifies the application certifies that the information provided in the application is correct to the best of his or her knowledge. Knowingly making a false representation of a material fact in an application, or in any written statement filed in connection with the application, is a crime that is punishable under 17 U.S.C. § 506(e).

When completing the Certification screen, the applicant should provide the first and last name of the individual who certified the application in the space marked Name of Certifying Individual. In addition, the applicant should check the box that reads, "I certify that I am the author, copyright claimant, or owner of exclusive rights, or the authorized agent of the author, copyright claimant, or owner of exclusive rights of this work and that the information given in this application is correct to the best of my knowledge." There is no need to date the certification; the date will be added automatically when the application is received.

1109.7 Scope of Protection for Newsletter Issues Registered Under the Group Registration Option

A registration for a group of newsletter issues covers each issue in the group, and each issue is registered as a separate issue or a separate collective work, as the case may be. 37 C.F.R. § 202.4(n).

As discussed in Section 1109.6(G), a registration for a collective work may cover the articles, photographs, illustrations, or other contributions appearing within that work. Specifically, a group registration covers the individual contributions if they were first published in the newsletter and if the contributions were fully owned by the copyright claimant when the application was filed. If the contributions were not fully owned by the copyright claimant, or if they were previously published, then the group registration will not extend to those contributions.

This may have several consequences in an infringement action. First, a group registration may be used to satisfy the statutory requirements for instituting an infringement action involving any of the newsletter issues that were included within the group. Likewise, it may be used to enforce the copyright in any of the individual contributions appearing within an issue that qualifies as a collective work—provided that the claimant fully owned those contributions when the application was submitted, and provided that they were first published in one of those issues.

Second, the group as a whole is not considered a compilation, a collective work, or a derivative work. Instead, the group is merely an administrative classification created solely for the purpose of registering multiple issues with one application and one filing fee. The chronological selection, coordination, and arrangement of the issues within the group are entirely dictated by the regulatory requirements for this option. Likewise, when two or more newsletters are combined for the purpose of facilitating registration, those newsletters are not "recast, transformed, or adapted" in any way, and the group as a whole is not "a work based upon one or more preexisting works," because there is no copyright authorship in simply collecting a group of issues that were published within the same month. 17 U.S.C. § 101 (definition of "derivative work").

See generally Group Registration of Newsletters, 82 Fed. Reg. 22,902, 22,905 (May 17, 2018).

1110 Group Registration for Contributions to Periodicals

Section 408(c)(2) of the Copyright Act directs the Register of Copyrights to establish a procedure "specifically permitting a single registration for a group of works by the same individual author, all first published as contributions to periodicals, including newspapers, within a twelve-month period, on the basis of a single deposit, application, and registration fee…." 17 U.S.C. § 408(c)(2). The U.S. Copyright Office refers to this group registration option as "GRCP."

A registration for a group of contributions to periodicals covers each contribution in the group, and each contribution is registered as a separate work. 37 C.F.R. § 202.4(n).

For a general overview of the similarities and differences between the options for registering a group of contributions to periodicals, a group of published photographs, and a group of unpublished works, see Section 1117.

For guidance on registering a newspaper, newsletter, or other types of serials, see Sections 1107 through 1109.

See generally Group Registration of Contributions to Periodicals, 82 Fed. Reg. 29,410 (June 29, 2017); Group Registration of Contributions to Periodicals, 81 Fed. Reg. 86,634, 86,641 (Dec. 1, 2016); Registration of Claims to Copyright: Group Registration of Contributions to Periodicals, 67 Fed. Reg. 10,329 (Mar. 7, 2002).

1110.1 What Is a Contribution to a Periodical?

For purposes of this group registration option, a contribution to a periodical is defined as a separate and independent work that has been published in a periodical. Examples include an article published in a newspaper, a photograph published in a magazine, an illustration published in a journal, and other similar works.

A periodical is defined as "a collective work that is issued or intended to be issued on an established schedule in successive issues that are intended to be continued indefinitely. In most cases, each issue will bear the same title, as well as numerical or chronological designations." 37 C.F.R. § 202.4(b)(3).

An applicant may be permitted to register articles, blog entries, artwork, photographs, or other contributions that were first published in an electronically printed ("ePrint") publication if that publication fits within the definition of a "periodical." An ePrint publication may be considered a periodical for purposes of registration if it is fixed and distributed online or via email as a self-contained work, such as a digital version of a tangible newspaper, magazine, newsletter, or similar publication. For example, many companies publish electronic newsletters that contain articles on a particular subject, and distribute these publications to their subscribers either online or via email. An article published in an ePrint newsletter could be considered a contribution to a periodical if each issue of the newsletter is fixed and distributed as a self-contained work and if the content of each issue does not change once it has been distributed.

As a general rule, websites are not considered periodicals for purposes of registration. Websites are typically updated on a continual basis rather than an established schedule. The updates are rarely made in successive issues that can be recognized as discrete, self-contained collective works, and they rarely contain numerical or chronological designations that distinguish one update from the next. For these reasons, an applicant may register a group of articles that were first published in a print or ePrint edition of a magazine. Likewise, an applicant may register a group of articles that were first published in a print or ePrint magazine and simultaneously published on the publisher's website. But an applicant may not register a group of articles that were published solely on a website unless that site satisfies the definition for a periodical.

See Group Registration of Contributions to Periodicals, 82 Fed. Reg. 29,410, 29,412 (June 29, 2017); Group Registration of Contributions to Periodicals, 81 Fed. Reg. 86,634,

86,638-39 (Dec. 1, 2016); Mandatory Deposit of Published Electronic Works Available Only Online, 75 Fed. Reg. 3863, 3865 (Jan. 25, 2010).

1110.2 Eligibility Requirements

A group of contributions that have been published in a periodical may be registered with the U.S. Copyright Office, provided that the following conditions have been met:

- All of the contributions in the group must be created by the same individual.
- The copyright claimant for all the contributions must be the same person or organization.
- The contributions must not be works made for hire.
- Each work must be first published as a contribution to a periodical.
- All of the contributions must be first published within a twelve-month period (*e.g.*, January 1, 2010 through December 31, 2010, February 1, 2011 through January 31, 2012, September 15, 2013 through September 14, 2014, etc.).
- If any of the contributions were published before March 1, 1989, those works must bear a separate copyright notice, the notice must contain the copyright owner's name (or an abbreviation by which the owner can be recognized or a generally known alternative designation for the owner), and the name that appears in each notice must be the same.

See 37 C.F.R. § 202.4(g)(1)-(5); Group Registration of Contributions to Periodicals, 81 Fed. Reg. 86,634, 86,638-39 (Dec. 1, 2016).

Works that do not satisfy these requirements cannot be registered using this group registration option.

The regulation establishing this option became effective on January 1, 1978. Contributions published before that date are not eligible for group registration. *See* Part 202—Registration of Claims to Copyright, Copyright Registrations, 43 Fed. Reg. 965, 966 (Jan. 5, 1978).

1110.3 Application Requirements

To register a group of contributions to periodicals the applicant must complete and submit the online application designated for this group option. The U.S. Copyright Office will not accept claims that are submitted on a paper form. 37 C.F.R. § 202.4(g)(6).

For guidance on completing the online application, see Section 1110.7.

1110.4 Filing Fee Requirements

The applicant must submit the correct filing fee for this group registration option. The current fee is set forth in the U.S. Copyright Office's fee schedule under the heading

"Registration of a claim in a group of contributions to periodicals." *See* 37 C.F.R. §§ 201.3(c)(3), 202.4(g).

For information concerning the methods for paying the filing fee, see Chapter 1400, Sections 1412.3 through 1412.5.

1110.5 Deposit Requirements

This Section discusses the deposit requirements for registering a group of contributions to periodicals.

Applicants must submit one complete copy of each contribution that is included in the group. The copies must be submitted in a digital format, and the contributions must appear in the precise form in which they were first published in the periodical. 37 C.F.R. § 202.4(g)(7).

Applicants may satisfy this requirement by submitting any of the following:

- They may submit one complete copy of the entire issue of the periodical in which the contribution was first published.
- If the contribution was first published in a newspaper, they may submit one complete copy of the entire section of the newspaper where the contribution was first published.
- They may submit one complete copy of the particular pages within the periodical where the contribution was first published.

See id.; *see also* Group Registration of Contributions to Periodicals, 81 Fed. Reg. 86,634, 86,639-40 (Dec. 1, 2016).

Requiring applicants to submit a copy of the contributions in the precise form in which they were first published is consistent with the legislative history, which states that "[a]s a general rule the deposit of more than a tear sheet or similar fraction of a collective work is needed to identify the contribution properly and to show the form in which it was published." H.R. REP. NO. 94-1476, at 153 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5769. It also serves an evidentiary purpose. It gives the registration specialist an opportunity to compare the deposit with the title, date of publication, issue number, page number, or other information that is set forth in the application (although in practice specialists do not conduct this type of analysis for every contribution in the group). If a particular contribution becomes involved in litigation, the deposit could be used to verify that the work was published in a particular periodical on a particular date. *See* Group Registration of Contributions to Periodicals, 81 Fed. Reg. at 86,640.

In all cases, applicants must submit a digital copy of each contribution. Specifically, each contribution must be contained in a separate electronic file in PDF, JPG, TIFF, or any other electronic format that has been approved by the Office. 37 C.F.R. § 202.4(g)(7). A current list of acceptable file formats is posted on the Office's website. The electronic files must be uploaded to the electronic registration system, preferably in a .zip file

containing all the files. The size of each uploaded file must not exceed 500 megabytes, although applicants may digitally compress the files to comply with this requirement. *See id*. Guidance on how to upload the files is available on the Office's website.

Many publishers distribute electronic replicas of their periodicals in downloadable or printable formats. Applicants may be able to create a digital copy of their contributions by printing or downloading them from the publisher's website or by requesting a copy directly from the publisher. Alternatively, applicants may be able to create digital copies by scanning their contributions with a multi-function printer or scanner, or by photographing them with a smartphone and saving each image as an electronic file. *See* Group Registration of Contributions to Periodicals, 82 Fed. Reg. 29,410, 29,4111-12 (June 29, 2017).

The Office recognizes that there may be rare cases where an author does not have access to these resources. Applicants who are unable to submit their contributions in the precise form in which they were first published may request special relief from the deposit requirements. Likewise, applicants may request special relief if they are unable to submit a digital copy of their contributions or unable to upload them through the electronic system. *Id*. §§ 202.4(g)(8), 202.20(d)(1)(iii), (iv).

A request for special relief must be made in writing, and it should explain why the applicant is unable to submit copies that satisfy the deposit requirements described above. The Office may grant a request for special relief in exceptional cases, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. *See id*. § 202.4(g)(8).

For a general discussion of special relief, see Chapter 1500, Section 1508.8.

1110.6 When May an Application for a Group Registration Be Filed?

An applicant may register all the contributions created by the same individual and published within a twelve-month period, provided that he or she complies with the requirements set forth in 37 C.F.R. § 202.4 and the other relevant regulations described in Sections 1110.2 through 1110.5.

That said, the U.S. Copyright Office encourages applicants to submit their claims on a quarterly basis (*i.e.*, every three months), instead of submitting them on an annual or semi-annual basis. A contribution to a periodical must be registered in a timely manner to seek statutory damages and attorney's fees in an infringement action. Specifically, an author may seek these remedies if the contribution was registered (i) before the infringement began, or (ii) within three months after the first publication of that work. *See* 17 U.S.C. § 412.

To secure these benefits, applicants should submit their claims within three months after the date of publication for the earliest contribution in the group. By doing so, authors will preserve their ability to seek statutory damages and attorney's fees for any infringements that may occur after the effective date of registration, as well as any infringements that may occur within three months after the publication of each work in the group.

For example, if the first contribution was published on June 1, 2017, and the last contribution was published on September 1, 2017, it would be advisable to submit a complete application, deposit, and filing fee on or before September 1, 2017. By doing so, the author will preserve his or her ability to seek these remedies for any infringements that began after the effective date of registration (*i.e.*, after September 1, 2017), as well as any infringements that began within three months after the date of publication for each contribution in the group.

See Group Registration of Contributions to Periodicals, 81 Fed. Reg. 86,634, 86,639 (Dec. 1, 2016).

1110.7 Completing the Application: Group Registration of Contributions to Periodicals

This Section provides guidance for completing the online application for a group of contributions to periodicals.

The application may be submitted by the author or claimant for the contributions, the owner of any of the exclusive rights in the contributions, or a duly authorized agent of these parties. *See* 37 C.F.R. § 202.4(g)(6).

As discussed in Section 1110.3, applicants must use the online application as a condition for seeking a group registration. If an applicant attempts to use a paper application, the U.S. Copyright Office will refuse registration and instruct the applicant to resubmit the claim using the online application. *See* Group Registration of Contributions to Periodicals, 82 Fed. Reg. 29,410, 29,410-11 (June 29, 2017).

NOTE: In exceptional cases, the Office may waive the online filing requirement, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. 37 C.F.R. § 202.4(g)(8). An applicant may submit a request to waive this requirement in writing. It should explain why the applicant is unable to use the online application, and it should be sent to the following address:

Associate Register of Copyrights and
Director of Registration Policy & Practice
Registration Program
U.S. Copyright Office
101 Independence Avenue SE
Washington, DC 20559

See Group Registration of Contributions to Periodicals, 82 Fed. Reg. 29,410, 29,411 (June 29, 2017).

1110.7(A) Type of Group

To register a group of contributions to periodicals with the online application, the applicant should begin by clicking the phrase "Register Certain Groups of Published Works," which appears on the home page of the electronic registration system.

Next the applicant should select the type of group being registered from the options listed in the drop down menu marked Type of Group.

For contributions to periodicals, the applicant should select the option that best describes the authorship that appears in the majority of the contributions.

- *Contributions to Periodicals TX:* The applicant should select this option if the contributions primarily contain nondramatic text, such as articles, news stories, columns, features, reviews, editorials, essays, fiction, verse, quizzes, puzzles, advertising copy, or the like.

- *Contributions to Periodicals VA:* The applicant should select this option if the contributions primarily contain pictorial or graphic material, such as photographs, drawings, illustrations, cartoons, comic strips, prints, paintings, art reproductions, charts, diagrams, maps, pictorial advertisements, or the like.

If the contributions contain multiple types of authorship the applicant should select the option that best describes the predominant form of authorship in the contributions. For example, if most of the contributions contain nondramatic text combined with a few photographs, the applicant should select *Contributions to Periodicals TX*. If most of the contributions contain illustrations with a small amount of nondramatic text, the applicant should select *Contributions to Periodicals VA*. If the types of authorship are roughly equal, the applicant may choose the option that would be appropriate for the majority of the contributions. *See* 37 C.F.R. § 202.4(g)(6).

Once a selection has been made, the system will generate a brief statement that describes the eligibility requirements for this group registration option. If these requirements have been met, the applicant should check the box that appears next to the following statement: "I agree that I have read, understood, and meet all eligibility requirements described above for filing the selected Group Registration."

1110.7(B) Identifying the Works Included within the Group

Section 408(c)(2)(B) of the Copyright Act states that contributions to periodicals may be registered as a group, provided that "the application identifies each work separately, including the periodical containing it and its date of first publication." 17 U.S.C. § 408(c)(2)(B).

As discussed in Section 1110.2, all the contributions must be published within a twelve-month period (*e.g.*, May 1, 2012 through April 30, 2013). When completing the application, applicants are encouraged to list the contributions in chronological order.

Although the contributions must be published within a twelve-month period, the works may be published in different periodicals and on different dates. Currently there is no limit on the total number of contributions that may be submitted, although applicants must include at least two contributions in each claim. *See* Group Registration of Contributions to Periodicals, 81 Fed. Reg. 86,634, 86,639 (Dec. 1, 2016).

1110.7(B)(1) Identifying the Contributions

The applicant should provide a title for each contribution within the group, and in each case the title should be provided exactly as it appears in the deposit copies. The applicant should provide this information on the Title screen in the field marked Title of Contribution. If the applicant fails to complete this portion of the application, the claim will not be accepted by the electronic registration system.

If the contribution was published without a title, the applicant should provide a descriptive title that identifies the general subject matter of the work or any other relevant information that a person searching the U.S. Copyright Office's records would likely include in his or her search request.

If the contributions were published as part of a series of works by the same author, such as an advice column, an editorial column, a cartoon strip, or the like, the applicant may provide the title for that series (if any). This information may be provided on the Title screen in the field marked Series Title.

In addition, the applicant should provide the year of completion for the most recent contribution in the group. For example, if the author completed the contributions in 2015, 2016, and 2017, the applicant should state "2017" on the Title screen in the field marked Year of Completion. For additional guidance on completing this portion of the application, see Chapter 600, Section 611.

1110.7(B)(2) Identifying the Periodicals

For each contribution in the group, the applicant should provide the title of the periodical where that contribution was first published. Specifically, this information should be provided on the Title screen in the field marked Title of Periodical.

In addition, applicants should provide the volume, number, issue date, and ISSN number (if any) for each periodical, as well as the page number(s) (if any) where the contribution appeared within that periodical.

In each case, the applicant should provide the precise date of first publication (month, day, and year) for the periodical. This information should be provided on the Title screen in the field marked Date of First Publication. For guidance in completing this portion of the application, see Chapter 600, Section 612.

The applicant should identify the country where the periodical was published for the first time by selecting one of the countries listed in the drop down menu marked Nation of First Publication. The registration specialist may use this information to determine if the contributions are eligible for copyright protection in the United States. If the nation of first publication is unknown, the applicant may select "not known" from the drop down menu.

If the applicant fails to provide a title for the periodical, or the date and nation of first publication, the application will not be accepted by the electronic registration system.

1110.7(C) Identifying the Author

As discussed in Section 1110.2, all of the contributions in the group must be created by the same author and the author must be an individual.

The applicant should provide the author's full name on the Author screen in the fields marked First Name/Last Name.

If the author's real name does not appear on any of the contributions in the group, and if the author does not want to reveal his or her identity in the registration record, the applicant may check the box marked anonymous and state "Anonymous" in the First Name/Last Name fields.

If the author does not want to reveal his or her real name in the registration record, the applicant may check the box marked pseudonymous, and provide the author's pseudonym in the Pseudonym field and the First Name/Last Name fields, but only if (i) all the contributions were published under the author's pseudonym, and (ii) the author's real name does not appear anywhere in the contributions.

For a definition and discussion of anonymous and pseudonymous works, see Chapter 600, Sections 615.1 and 615.2.

The applicant should identify the author's nationality and/or domicile in the fields marked Citizenship and Domicile. The registration specialist may use this information to determine if the contributions are eligible for copyright protection in the United States. For a definition and discussion of nationality and domicile, see Chapter 600, Section 617. If the author's nationality or domicile are unknown, the applicant may select "not known" from the drop down menu.

If the applicant fails to complete the First Name/Last Name fields, or the citizenship and domicile fields, the application will not be accepted by the electronic registration system.

The applicant may provide the year that the author was born, and if the author is deceased the applicant may provide the year that the author died. This information may be useful in identifying the author within the Office's records. However, this information is optional and an application will be accepted even if these fields are left blank.

1110.7(D) Identifying the Copyrightable Material that the Author Created

The applicant should identify the authorship that will be submitted for registration. To do so, the applicant should check one or more of the boxes in the field marked Author Created that accurately describe the copyrightable material being registered. The options include:

- Text
- Photographs
- Illustrations

If these terms do not fully describe the material being registered, the applicant should provide a more specific description in the field marked Other.

For additional guidance on completing this portion of the application, see Chapter 600, Section 618.4(A).

1110.7(E) Identifying the Copyright Claimant

To register a group of contributions to periodicals, the applicant should provide the name and address of the copyright claimant. *See* 17 U.S.C. § 409(1). As discussed in Section 1110.2, the claimant for all the contributions must be the same person or organization.

For purposes of copyright registration, the claimant must be (i) the author of the contributions, or (ii) the person or organization that owns all of the rights under copyright that initially belonged to the author. *See* 37 C.F.R. § 202.3(a)(3). No other party is entitled to be named as a copyright claimant.

When naming the author as the copyright claimant, the applicant should provide the author's full name and address in the field marked Individual Claimant. However, if the applicant stated "Anonymous" or provided the author's pseudonym in the First Name/Last Name fields on the Author screen, the applicant should provide this same information in the corresponding fields on the Claimants screen.

The applicant may name the person or organization that owns all of the rights that initially belonged to the author, but only if that party owns the copyright in all the contributions. If the claimant is an individual, the applicant should provide the claimant's full name and address in the field marked Individual Claimant. If the claimant is a legal entity, the applicant should provide this information in the field marked Organization.

If the author and the claimant are not the same person, the applicant should provide a brief statement that explains how the claimant obtained the copyright in the contributions. The applicant should provide this information by selecting one of the statements listed in the drop down menu marked Transfer Statement. If these statements do not fully describe the transfer, the applicant may provide a more specific statement in the field marked Transfer Statement Other. Currently, the total amount of text that may be provided in this field is limited to 100 characters.

For additional guidance on completing the claimant fields, see Chapter 600, Section 619.12. For guidance on completing the transfer fields, see Chapter 600, Section 620.9.

1110.7(F) Rights and Permissions Information

The applicant may provide the name, address, and other contact information for the person and/or organization who should be contacted for permission to use the contributions. Providing this information is optional, and an application will be accepted even if the Rights & Permissions Information screen is left blank.

For guidance in completing this portion of the application, see Chapter 600, Section 622.1.

1110.7(G) Correspondent / Mailing Address for the Certificate of Registration

The applicant should provide the name, email address, telephone number, fax number (if any), and mailing address for the person or persons who should be contacted if the U.S. Copyright Office has questions or concerns regarding the application. This information should be provided on the Correspondent screen.

In addition, the applicant should provide the name and address where the certificate of registration should be sent. This information should be provided on the Mail Address screen.

For guidance in completing this portion of the application, see Chapter 600, Sections 622.2 and 622.4.

1110.7(H) Special Handling

Special handling is a procedure for expediting the examination of an application. The U.S. Copyright Office offers this service in certain circumstances where a copyright owner or other interested parties have a compelling reason for the expedited issuance of a certificate of registration. The Office charges an additional fee for this service.

For a detailed discussion of this procedure, see Chapter 600, Section 623.

1110.7(I) Certification

The application must be certified by the author or claimant named in the application, by the owner of one or more of the exclusive rights in the contributions, or by a duly authorized agent of the author, claimant, or owner of one or more of the exclusive rights in the contributions.

The person who certifies the application certifies that the information provided in the application is correct to the best of his or her knowledge. Knowingly making a false representation of a material fact in an application, or in any written statement filed in connection with the application, is a crime that is punishable under 17 U.S.C. § 506(e).

When completing the Certification screen, the applicant should provide the first and last name of the individual who is certifying the application in the space marked Name of Certifying Individual. In addition, the applicant should check the box that reads, "I certify that I am the author, copyright claimant, or owner of exclusive rights, or the authorized agent of the author, copyright claimant, or owner of exclusive rights of this work and that the information given in this application is correct to the best of my knowledge." There is no need to date the certification in an online application; the date will be added automatically when the application is received by the U.S. Copyright Office. *See* 37 C.F.R. § 202.3(c)(3)(iv).

1110.8 Contributions That Do Not Satisfy the Group Registration Requirements

If an article, blog, social media post, or other online work cannot be registered as a contribution to a periodical, it may be possible to register those works using the group registration option for short online literary works. For guidance on this option, see Section 1111.

Photographers who are unable to register their works as a contribution to a periodical may be able to use the group registration option for published photographs. For guidance on this option, see Section 1114.

If the contributions have not been published yet, it may be possible to register them as a group of unpublished works. For a discussion of this option, see Section 1106.

For a general overview of the similarities and differences between the options for registering a group of contributions to periodicals, a group of published photographs, and a group of unpublished works, see Section 1117.

Alternatively, the applicant may register a particular article, photograph, illustration, or other contribution on an individual basis. Specifically, the applicant may prepare a separate application, filing fee, and deposit for each contribution and may submit these items through the electronic registration system or with a paper application.

1111 Group Registration of Short Online Literary Works

This Section discusses the U.S. Copyright Office's practices and procedures for registering a group of short online literary works. When referring to this option, the Office uses the term "GRTX."

GRTX is intended to benefit individual writers who create short-form works that are published on websites or online platforms that are typically updated on a daily basis.

When the Office receives a group of short online literary works, it will examine each work to determine if it contains a sufficient amount of copyrightable text, and to confirm that the legal and formal requirements for registration have been met. A group registration covers the copyrightable text in each literary work that is submitted for registration, and each literary work is registered as a separate work. 37 C.F.R. § 202.4(j), (n).

If the Office determines that one or more of the works is uncopyrightable, it will refuse to register those works, and issue a registration for the remaining copyrightable works in the group (if any). *Id.* § 202.4(l). If the applicant disagrees with the refusal, the applicant may appeal that decision by filing a request for reconsideration. For information concerning this procedure, see Chapter 1700.

See generally Group Registration of Short Online Literary Works, 83 Fed. Reg. 65,612 (Dec. 21, 2018); Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341 (June 22, 2020).

1111.1 What Is a Literary Work?

"Literary works" are works "expressed in words, numbers, or other verbal or numerical symbols or indicia . . . ." 17 U.S.C. § 101. This category includes a wide variety of textual works, such as fiction, nonfiction, poetry, articles, blogs, and social media posts. These types of works usually explain, describe, or narrate a particular subject, theme, or idea through the use of prose or verse, rather than dialog or dramatic action. Generally, these types of works are intended to be read; they are not intended to be performed before an audience.

1111.2 What Is a Short Online Literary Work?

A "short online literary work" is a work consisting of text that contains at least 50 but no more than 17,500 words that was published as part of a website or online platform. 37 C.F.R. § 202.4(j)(1).

To qualify for this group registration option, a literary work must contain a sufficient number of words, and the work cannot be comprised mainly of numbers or other verbal or numerical symbols or indicia. Examples of works that typically satisfy this requirement include poems, short stories, articles, essays, columns, blog entries, and social media posts.

A work will be considered an "online" literary work if it was first published on the internet. For example, this requirement may be satisfied if a copy or copies of the work were first distributed to the public as part of a newspaper website, social media website, or social networking platform. It may be satisfied if a copy or copies of the work were first distributed on a website or platform that is protected by a password or paywall. Likewise, a work may be eligible for this option if copies were simultaneously published both on the internet and in a physical form. By contrast, a work would not qualify for this option if the copies were distributed solely in a physical form or were distributed in a physical form prior to being published on the internet.

Because each work must be published "as part" of a website or online platform, the website or platform itself would not qualify for this option; only the discrete works that are published on a website or platform are eligible. Likewise, the following types of works cannot be registered with this option, even if they contain 50 to 17,500 words and even if they were first published online:

- Emails
- Podcasts
- Audiobooks
- Computer programs
- Compilations
- Collective works

See 37 C.F.R. § 202.4(j)(1); Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341, 37,342, 37,344 & n.33 (June 22, 2020); Group Registration of Short Online Literary Works, 83 Fed. Reg. 65,612, 65,613-14 & n. 28 (Dec. 21, 2018).

1111.3 Eligibility Requirements

A group of short online literary works may be registered with the U.S. Copyright Office, provided that the following conditions have been met:

- Each work in the group must be a "short online literary work," as defined in Section 1111.2.
- The group may include no more than 50 works.
- All of the works must be first published online as part of a website or online platform.
- All of the works must be first published within three consecutive calendar months.
- The applicant must provide the earliest publication date and most recent publication date for the works in the group.
- The applicant must provide a title for each work and a title for the group as a whole.
- All of the works must be written by the same individual or jointly written by the same individuals.
- The works cannot be works made for hire.
- The author or joint authors must be named as the copyright claimant(s) for each work, and the claim must be limited to the "text" that appears in each work.

Works that do not satisfy these requirements cannot be registered with this group registration option. The Office reserves the right to refuse any application that does not comply with these requirements, or to modify the claim to make it compliant without communicating with the applicant.

See 37 C.F.R. § 202.4(j)(1)-(5); Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341, 37,342-44 (June 22, 2020).

1111.3(A) All of the Works Must Be Short Online Literary Works

Each work in the group must be a "short online literary work" and the claim must be limited to the "text" that appears in each work. When the application is submitted, the term "text" will be added automatically by the electronic registration system.

The following types of works cannot be registered with this option:

- Photographs, artwork, illustrations, logos, or other types of pictorial, graphic, or sculptural works.
- Musical works or sound recordings.
- Motion pictures or audiovisual works.

- Dramatic works, choreographic works, or pantomimes.

The U.S. Copyright Office will accept digital files that contain text combined with another form of authorship. But claims in any accompanying "artwork," "photograph," or any form of authorship other than "text" will not be permitted on the application and may not be added during the examination process or with a supplementary registration. Likewise, the Office will not accept claims in the selection, coordination, or arrangement of the group as a whole. 37 C.F.R. § 202.4(j)(1).

If an applicant uploads files that contain text and a separate group of files that contain photographs, graphic designs, videos, or any other work that is not a "short online literary work," the registration specialist will refuse to register the entire claim.

Likewise, the specialist may refuse registration if the application names an author who did not write any of the text that appears in the works, such as an illustrator, photographer, or other individual who merely added pictorial or graphic content to the works.

See Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341, 37,344 (June 22, 2020); Group Registration of Short Online Literary Works, 83 Fed. Reg. 65,612, 65,613 (Dec. 21, 2018).

1111.3(B) The Number of Works That May Be Included in the Group

An applicant may submit up to 50 short online literary works with each application. If an applicant includes more than 50 titles in the application or more than 50 works in the deposit, the registration specialist may accept the first 50 works and remove the rest from the record, or alternatively, the specialist may refuse to register the entire claim.

See 37 C.F.R. § 202.4(j)(1); Group Registration of Short Online Literary Works, 83 Fed. Reg. 65,612, 65,614 (Dec. 21, 2018).

1111.3(C) The Number of Words in Each Work

A literary work may qualify for this option if it contains at least 50 words and no more than 17,500 words. The 50-word threshold is intended to exclude short phrases and slogans and other short forms of expression that contain less than a paragraph of text. The 17,500-word limit is intended to exclude novels, novellas, and similar lengthy works that are not typically created or updated on a rapid and continuing basis.

NOTE: The 50 word limit applies only to the eligibility requirements for this group registration option. It is not intended to establish a general threshold for evaluating the copyrightability of literary works.

As discussed in Section 1111.6, the applicant must prepare and submit a sequentially numbered list specifying the title, file name, publication date, and word count for each work. The registration specialist will use this information to determine if the works contain an acceptable number of words. If a particular work contains less than 50 words or more than 17,500 words, the specialist will remove that work from the record.

See 37 C.F.R. § 202.4(j)(1); Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341, 37,342-43 (June 22, 2020); Group Registration of Short Online Literary Works, 83 Fed. Reg. 65,612, 65,613-14 (Dec. 21, 2018).

1111.3(D) All the Works Must Be First Published Online within Three Consecutive Calendar Months

As discussed in Section 1111.2, all of the works must be first published as part of a website or online platform. The works may be published on the same site or different sites, but they must be published within three consecutive calendar months. They do not need to be published within the same calendar year.

Example:

- Jamelle Worthington published five social media posts on Facebook, Reddit, and LinkedIn on January 28, February 28, and March 28, 2020. She may register all of these posts with the same application.

  Jamelle also published two articles on politico.com and thehill.com on December 31, 2019 and April 1, 2020. Jamelle cannot register these two articles and the five social media posts with the same application, because they were not published within three consecutive calendar months.

This option may only be used to register published literary works. It cannot be used to register a group of unpublished literary works. Likewise, it cannot be used to register a mix of published and unpublished literary works. If any of the works have not been published at the time of submission, the applicant should not include those works in the claim.

The applicant is responsible for determining if the works have been published online, and generally, the U.S. Copyright Office will accept that determination unless it is implausible or contradicted by information provided in the registration materials or in the Office's records or by information that is known to the registration specialist.

The person or entity who owns the copyright in a literary work determines whether that work should be published. If the author or copyright owner decides to publish a particular work on the internet, that party decides when, where, and how that work should be published. For purposes of registration, a short online literary work is published on the specific month, day, and year that a copy or multiple copies of that work are distributed to the public for the first time.

A literary work is also published when one or more copies of that work are offered to a group of persons for the first time for purposes of further distribution or public display. For instance, a work may be published when a writer offers one copy of that work to social media websites or social networking platforms along with a license to further distribute or publicly display that work. However, the mere public display of a literary work, in and of itself, does not constitute publication.

See 37 C.F.R. § 202.4(j)(1), (2); Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341, 37,344 (June 22, 2020); Group Registration of Short Online Literary Works, 83 Fed. Reg. 65,612, 65,614, 65,615 (Dec. 21, 2018).

1111.3(E) The Author and Claimant for Each Work Must Be the Same Individual

The text that appears in each work must be written by the same individual. If the text was co-written by two or more individuals, then each and every work in the group must be jointly created by those same individuals.

For example, an applicant may submit 10 articles written solely by Joanna. Likewise, an applicant may submit 10 articles written jointly by Joanna and Chip.

By contrast, an applicant may not register fifteen blog posts written solely by Joanna together with seven blog posts written jointly by Joanna and Chip. Likewise, the same application may not be used to register fifteen social media posts written by Joanna and the comments on each post that were written by Luis. In each case, the applicant would need to separate the works into different groups and submit a separate application for each group: One application for the fifteen posts written solely by Joanna; a separate application for the seven posts written jointly by Joanna and Chip; and a separate application for the comments written solely by Luis.

The U.S. Copyright Office will strictly enforce this requirement. If the author information for each and every work is not the same, the registration specialist will refuse to register the entire claim.

In all cases, the author or joint authors must be named as the copyright claimant for each work in the group. For instance, if an applicant submitted five essays written solely by Chanda, that individual must be named as the claimant for each work. If an applicant submitted 20 essays co-written by Chanda and Caleb, those individuals must be named as the co-claimants for each work.

To be clear, the author or joint authors must be named as the claimant or co-claimants for all of the works being registered – even if the author(s) no longer own any of the rights in those works.

This facilitates the examination by allowing the registration specialist to focus on the works themselves, rather than the ownership of each work. Moreover, it is consistent with the basic principle that an author may always be named as the copyright claimant, and the Office's longstanding view that an author may be named as a claimant even if that person does not own any of the exclusive rights when the claim is submitted. 37 C.F.R. § 202.3(a)(3)(i); Applications for Registration of Claim to Copyright under Revised Copyright Act, 42 Fed. Reg. 48,944, 48,945 (Sept. 26, 1977).

If another person or entity has acquired the copyright in one or more of the works, the copyright owner may add that information to the public record by recording the assignment, exclusive license, or other document that identifies the current owner of the works.

See 37 C.F.R. § 202.4(j)(3); Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341, 37,343-44 (June 22, 2020).

1111.4 Application Requirements

To register a group of short online literary works the applicant must complete and submit the online application designated for this group option. The Office will not accept claims that are submitted with the Standard Application or a paper form. 37 C.F.R. § 202.4(j)(6).

For guidance on completing the online application, see Section 1111.7.

1111.5 Filing Fee Requirements

The applicant must submit the correct filing fee for this group registration option. *See* 37 C.F.R. §§ 201.3(c), 202.4(j). The current fee is set forth in the U.S. Copyright Office's fee schedule under the heading "Registration of a claim in a group of short online literary works."

For information concerning the methods for paying the filing fee, see Chapter 1400, Sections 1412.3 through 1412.5.

1111.6 Deposit Requirements

This Section discusses the deposit requirements for registering a group of short online literary works. Applicants must submit one complete copy of each work that is included in the group. All of the works must be assembled in an orderly manner. Specifically, each work must be contained in a separate digital file, each file must be saved in an acceptable file format, and all of the files must be submitted in the same format. A current list of acceptable file formats is posted on the U.S. Copyright Office's website.

In addition, applicants must upload a sequentially numbered list specifying the title, file name, publication date, and word count for each work. The Office has developed a fillable form that may be used to create this list, which is discussed in more detail in Section 1111.7(A).

When completing the application, applicants must provide a separate title for each work in the group. The titles entered in the application must match the corresponding file names for the digital files that are submitted to the Office. And the titles provided in the application must match the corresponding titles and file names specified in the aforementioned list. If the titles and file names do not match each other, the registration specialist may refuse to register the entire claim.

Example:

- Annette Cole intends to register three blog posts titled "The Birthday Party," "The Dinner Party," and "The Wedding Party." She plans to upload these works in three separate .pdf files. Annette should enter the

following information in the application, and her files should be named as follows:

Titles Listed in the Application	File Names for the Digital Copies of the Works
The Birthday Party	the_birthday_party.pdf
The Dinner Party	the_dinner_party.pdf
The Wedding Party	the_wedding_party.pdf

The digital files must be combined in a single .zip folder containing all of the works being registered. The applicant must upload the .zip folder to the electronic registration system. The size of the .zip folder must not exceed 500 megabytes; if necessary, the digital files may be compressed to comply with this limitation.

The list containing the titles, file names, publication date, and word counts for each work should be uploaded in Excel (.xls, .xlsx) or Portable Document Format (PDF). The file name for the list must include the case number that has been assigned to the application, and the title that has been assigned to the group. For additional information concerning this requirement, see Section 1111.7(A).

Each file must contain the complete text of each work as it was first published online, but submitting a screenshot of the website or online platform is not required. Applicants may submit the text, disassociated from the context and formatting of the website or online platform where it was first published, as long as the text itself is identical to the text that was first published online.

IMPORTANT NOTE: The Office will not accept:

- Digital files with file names that do not match the titles entered in the application.
- A PDF or other digital file that contains multiple works.
- Digital files that are uploaded one-by-one, instead of being uploaded in a single .zip folder.
- A .zip folder containing more than 50 files.
- A .zip folder containing files that have been saved in an unacceptable file format.
- Physical copies, such as print-outs or digital copies that have been saved on an electronic storage device, such as a disc or thumb drive.

For step-by-step instructions on how to upload the list and the digital files to the electronic registration system, consult the tutorial on the U.S. Copyright Office's website.

See 37 C.F.R. § 202.4(j)(7), (8); Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341, 37,345 (June 22, 2020); Group Registration of Short Online Literary Works, 83 Fed. Reg. 65,612, 65,615-16 (Dec. 21, 2018).

1111.7 Completing the Application: Group Registration of Short Online Literary Works

This Section provides guidance for completing the online application for a group of short online literary works.

The application may be submitted by the author/claimant, the owner of any of the exclusive rights in the works, or a duly authorized agent of these parties. *See* 37 C.F.R. § 202.4(j)(6).

As discussed in Section 1111.4, applicants must use this form as a condition for seeking a group registration. If an applicant attempts to use the Standard Application or a paper application, the U.S. Copyright Office will refuse registration and instruct the applicant to submit a new application, filing fee, and deposit through the electronic registration system.

In exceptional cases, the Office may waive the online filing requirement, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. 37 C.F.R. § 202.4(j)(9). Because this group option may only be used to register online works, the Office expects that waivers will be rare.

A waiver request must be made in writing. It should explain why the applicant is unable to use the online application, and it should be sent to the following address:

Associate Register of Copyrights and
Director of Registration Policy & Practice
Registration Program
U.S. Copyright Office
101 Independence Avenue SE
Washington, DC 20559

See Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341, 37,345 (June 22, 2020).

1111.7(A) Preparing the List of Titles, File Names, Publication Dates, and Word Counts

As discussed in Section 1111.6, the applicant must prepare and submit a sequentially numbered list specifying the title, file name, publication date, and word count for each work.

The U.S. Copyright Office will use the list to examine and document the claim. For example, registration specialists may use the list to count the number of electronic files

that are included in the deposit to confirm that it matches the number of works claimed in the application. They may use the list to confirm that each work contains at least 50 but no more than 17,500 words. The list may be used to identify the publication date for each work. In addition, the Office may use the list to locate and retrieve a particular deposit in the event it is needed for litigation or other legitimate purposes.

The titles and file names provided in this list, and the titles entered in the "Titles of the Works" section of the application must match each other. And the file names provided in the list must match the file names for the digital copies that are uploaded through the Office's electronic registration system. If the file names for the digital copies or file names entered in the list do not match the titles listed in the application, the registration specialist may refuse to register the entire claim.

Example:

- Sarah Morningstar intends to register three short stories titled "The Cat and the Fiddle," "What a Good Boy Am I," and "Jill Came Tumbling After." She plans to submit these stories in three separate .PDF files. Sarah should enter the following titles in the application, and the files should be named as follows:

Titles Listed in the Application	File Names for the Digital Copies of the Works
The Cat and the Fiddle	the_cat_and_the_fiddle.pdf
What a Good Boy Am I	what_a_good_boy_am_i.pdf
Jill Came Tumbling After	jill_came_tumbling_after.pdf

Applicants are strongly encouraged to use the fillable form posted on the Office's website to create this list. And applicants are encouraged to prepare this list before completing the online application. Doing so will make it easier to complete the "Titles of the Works" section of the application, which is discussed in Section 1111.7(I) below.

Guidance for completing the fillable form is provided in the help text and video tutorial that accompany the application. Applicants may access these resources using the following links:

- Fillable form
- Help text for completing the fillable form
- Video tutorial for completing the fillable form

As discussed in Section 1111.6, the list should be submitted in Excel (.xls, .xlsx) or Portable Document Format (PDF). The file name for the list must include the case number that has been assigned to the application, and the title that has been assigned to the group. For example, if the title of the group is "Rebeka Martin Blog Posts (June-August 2020)," if the case number is 1-11111111111, and if the list will be submitted in Excel format, then the file should be named using the following convention:

- Rebeka Martin Blog Posts (June-August 2020) case number 1-11111111111.xls

For guidance in locating the case number, consult the help text that accompanies the application. For guidance in selecting a title for the group, see Section 1111.7(C).

1111.7(B) Type of Group

When completing the online application, the applicant should begin by clicking the phrase "Register Certain Groups of Published Works," which appears on the home page of the electronic registration system. Next the applicant should select "Short Online Literary Works" from the drop down menu that appears on the Type of Group screen.

Once a selection has been made, the system will generate a brief statement describing the eligibility requirements for this group registration option. If these requirements have been met, the applicant should check the box that appears next to the following statement: "I agree that I have read, understood, and meet all eligibility requirements described above for filing the selected Group Registration."

1111.7(C) Title of the Group

To register a group of short online literary works, the applicant must provide a title for the group as a whole. This information should be provided in the field marked "Title of Group" on the "Group Title/Publication and Completion Information" screen. As discussed in Sections 1111.6 and 1111.7(A), the group title should also be included in the file name for the list of titles, file names, publication dates, and word counts, and it should be provided on this same screen in the field marked "File Name for List."

Applicants may provide any title that reasonably identifies the group as a whole. For example, the U.S. Copyright Office will accept a title that identifies the author, type of works, and dates that the works were published online, such as "Keisha Smith Facebook Posts (May through July 2020)." Or the Office will accept a title that identifies the subject matter of the works, such as "Online Dispatches from the Coronavirus Pandemic."

If the applicant plans to submit two or more group registration applications, the same title may be used in each application followed by the phrase "Group 1 of 2," "Group 2 of 2," etc.

Example:

- Charles Donovan Social Media Posts (September-November 2020) Group 1 of 2.
- Charles Donovan Social Media Posts (September-November 2020) Group 2 of 2.

1111.7(D) Number of Works in the Group

On the Title screen, the applicant should specify the total number of works that will be submitted with the claim. To do so, the applicant should select the appropriate number from the drop down menu marked "Number of Works in this Group." The U.S. Copyright Office will use this information to verify that the number of files received matches the number of titles listed in the application and the number of works specified in the list of titles, file names, publication dates, and word counts.

1111.7(E) Year of Completion

The applicant should identify the year that the author completed these works. This information should be provided in the Year of Completion field on the "Group Title/Publication and Completion Information" screen. If the works were written in the same year, the applicant should enter that year in the space provided. If the works were written over a period of two or more years, the applicant should provide the year of creation for the most recent work in the group. For example, if the works were completed in 2019 and 2020, the applicant should state "2020."

1111.7(F) Earliest / Latest Publication Date

The applicant must provide the earliest and most recent publication date for the works in the group. This information should be provided on the "Group Title/Publication and Completion Information" screen in the fields marked "Earliest Publication Date for the Works in this Group" and "Latest Publication Date for the Works in this Group." The publication dates should be provided in "MM/DD/YYYY" format. The "earliest publication date" is the earliest date that one of the works was first published online. The "latest publication date" is the most recent date that one of the works was first published online. For example, if the works were first published online in 2020 on March 1st, 2nd, and 3rd, the applicant should enter "03/01/2020" and "03/03/2020" in the spaces provided.

1111.7(G) Nation of First Publication

In the field marked "Nation of First Publication," the applicant should provide the name of country where the works were published for the first time. The registration specialist may use this information to determine if the works are eligible for copyright protection in the United States.

To identify the nation of publication, the applicant should select the appropriate country from the drop down menu on the Title screen. If the nation of publication is unknown, the applicant may select "not known." If the works were first published in different

countries, the applicant may provide that information in the Note to Copyright Office field of the application.

1111.7(H) File Name for the List

After submitting the application and paying the filing fee, the applicant must upload a list containing the title, file name, publication date, and word count for each work. The file name for this list must be entered in the field marked "File Name for List" on the "Group Title/Publication and Completion Information" screen. The registration specialist will use this information to connect the list with the relevant application and to distinguish it from the digital copies of the individual works.

NOTE: As discussed in Sections 1111.6, 1111.7(A), and 1111.7(C), the file name for the list must include the case number that has been assigned to the application, and the group title that was entered in the "Title of Group" field. For guidance in locating the case number, consult the help text that accompanies the application. For guidance in selecting a title for the group, see Section 1111.7(C).

1111.7(I) Titles of the Individual Works

As discussed in Section 1111.6, the applicant must submit a list containing the title, file name, publication date, and word count for each work in the group. In addition, the applicant must enter a title for each work in the application itself.

The titles for the individual works must be provided on the "Titles of the Works" screen in the field marked "Titles of Works Being Registered." For step-by-step instructions on how to copy information from the list of titles and paste it into the application, consult the help text and video tutorial that accompany the application.

The titles entered in this part of the application must match the corresponding file names for the digital copies that are uploaded through the Office's electronic registration system. And they must match the corresponding titles and file names specified in the aforementioned list. If the titles and file names do not match each other, the registration specialist may refuse to register the entire claim.

Example:

- Asher Bradley intends to register three poems titled "Memorial Day," "Independence Day, and "Labor Day." He plans to upload these poems in three separate PDF files. The Office will accept:

Titles Listed in the Application	File Names for the Digital Copies of the Works
Memorial Day	memorial_day.pdf
Independence Day	independence_day.pdf

Titles Listed in the Application	File Names for the Digital Copies of the Works
Labor Day	labor_day.pdf

The Office will not accept:

Titles Listed in the Application	File Names for the Digital Uploads
Memorial Day	memorial_day.pdf
Independence Day	fourth_of_july.pdf
Labor Day	labor_day.pdf

If a title has not been assigned to a particular work, the applicant may enter an identifying or descriptive phrase. The phrase could identify the author, date, and/or general subject matter of the work, such as "Blog entry by Li Ann Wei" or "Visit to Singapore (September 9, 2020)." Or the title could identify the website or platform where the work was first published online, such as "newyorktimes.com tech section (October 3, 2020)."

1111.7(J) Authors / Claimants

As discussed in Section 1111.3(E), all of the works must be written by the same individual, and that individual must be named as the copyright claimant for each work. If all of the works were co-written by two or more individuals, those individuals must be named as the joint authors and copyright claimants for each work.

NOTE: As discussed in Section 1111.3, works made for hire are not eligible for this group registration option. This includes works created by corporate authors, and works written by individual authors that were specially ordered or commissioned by another party as a work made for hire.

The applicant should identify the author or joint authors on the Author/Claimant screen. If all of the text was written by the same individual, the applicant should provide that person's name and address in the spaces marked "Individual Author." If the text was co-written by two or more joint authors, the applicant should provide the name, address, and other requested information for each individual.

If the author is deceased, the applicant must provide the year that individual died. Providing the author's year of birth is optional, although this information may be useful

in identifying the person who created the works. If the author's year of birth is given, it will be included in the online public record for the claim.

For additional guidance in completing the Author/Claimant screen, consult the help text that accompanies this portion of the application.

NOTE: If the author created the works anonymously or used his or her pseudonym on the works and does not want to reveal his or her real name in the registration record, see Section 1111.7(K).

1111.7(K) Anonymous and Pseudonymous Works

A work is "anonymous" if the author is not identified on the copies of that work. A work is "pseudonymous" if the author is identified on the copies solely by a fictitious name, pen name, or other pseudonym. If the author's real name appears on the copies, the work is neither anonymous nor pseudonymous, even if the author does not want to reveal his or her identity in the registration record.

If the author's name does not appear on any of the works – and if the author does not want to reveal his or her identity in the registration record – the applicant should check the box indicating that the works were created anonymously. The fields for the Author's "First Name" and "Last Name" should be left blank.

If the author's pseudonym appears on all of the works and the author's legal name does not appear on any of the works– and if the author does not want to reveal his or her identity in the registration record – the applicant should check the box indicating that the works are pseudonymous, and should provide the author's pseudonym in the field marked "Pseudonym."

Ordinarily, the copyright for an anonymous or pseudonymous work endures for a term of 95 years from the year of publication or 120 years from the year of creation, whichever expires first. 17 U.S.C. § 302(c). However, if the author's real name or identity is revealed in the registration record, the copyright will endure until 70 years after the author's death. *Id.*; *see also* H.R. REP. NO. 94-1476, at 137 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5753.

IMPORTANT NOTE: If the author does not want to reveal his or her identity in the registration record, the applicant should not include the author's real name anywhere in the application, including the Author/Claimant, Correspondent, Mail Certificate, and Certification screens. If the author's real name is included in the application it will become part of the public record, and it cannot be removed once the U.S. Copyright Office has issued a registration.

If the author wants to reveal his or her identity in the registration record, the applicant should provide the author's legal name in the "First Name/Last Name" fields.

If some – but not all – of the works are anonymous or pseudonymous, the applicant may register all of the works with the same application. But to do so, the author must disclose his or her identity in the registration record. For example, if the author wrote 10 short stories, and if her real name appears on two of those stories, she may register

all of them with the same application. But the author would have to include her real name in the registration record for all 10 stories.

For additional information concerning anonymous and pseudonymous works, see Chapter 600, Section 615.

1111.7(L) The Author's Country of Citizenship or Domicile

In all cases, the applicant should identify the author's country of citizenship and/or domicile. The registration specialist may use this information to determine if the works are eligible for copyright protection in the United States.

To do so, the applicant should select the name of the relevant country from the drop down menus on the Author/Claimant screen. If the author's nationality or domicile are unknown, the applicant may select "not known."

For a definition and discussion of nationality and domicile, see Chapter 600, Section 617.

1111.7(M) Limitation of Claim

If the works contain an appreciable amount of material that has been previously published or previously registered, the applicant should exclude that material from the claim. Likewise, applicants should disclaim material that is owned by a third party or material that is in the public domain.

Specifically, the applicant should briefly describe this material on the Limitation of Claim screen in the field marked Material Excluded. The U.S. Copyright Office will assume the applicant intends to register all copyrightable aspects of the works that have not been expressly disclaimed in this portion of the application.

If the material was previously registered with the U.S. Copyright Office, the applicant should also provide the registration number and year of registration that has been assigned to that material. If the Office issued multiple registrations for this material, the applicant should provide the number and year for the most recent registration.

For additional information concerning the U.S. Copyright Office's practices and procedures for limiting the scope of a copyright claim, see Chapter 600, Section 621.

1111.7(N) Rights and Permissions Information

The applicant may provide the name, address, and other contact information for the person and/or organization who should be contacted for permission to use the works that are being registered. Providing this information is optional, and the application will be accepted even if the Rights & Permissions Information screen is left blank. Information entered in this section will appear in the public record.

For guidance in completing this portion of the application, see Chapter 600, Section 622.1.

1111.7(O) Correspondent / Mailing Address for the Certificate of Registration

The applicant should provide the name, email address, telephone number, fax number (if any), and mailing address for the person or persons who should be contacted if the U.S. Copyright Office has questions or concerns regarding the application. This information should be provided on the Correspondent screen.

In addition, the applicant should provide the name and address where the certificate of registration should be sent. This information should be provided on the Mail Address screen.

IMPORTANT NOTE: If the applicant checked the box on the Author/Claimant screen indicating that the works are anonymous or pseudonymous, and if the author does not want to reveal his or her identity in the registration record, then as discussed in Section 1111.7(K), the author should not provide his or her real name anywhere in the application. Instead, the applicant should provide contact information for the author's duly authorized agent, or the author should provide a pseudonym if the author is completing the application on his or her own behalf.

For guidance in completing this portion of the application, see Chapter 600, Sections 622.2 and 622.4.

1111.7(P) Special Handling

Special handling is a procedure for expediting the examination of an application. The U.S. Copyright Office offers this service in certain circumstances where a copyright owner or other interested parties have a compelling reason for the expedited issuance of a certificate of registration. The Office charges an additional fee for this service.

For a detailed discussion of this procedure, see Chapter 600, Section 623.

1111.7(Q) Certification

The application must be certified by the author/claimant named in the application, by the owner of one or more of the exclusive rights in the works, or by a duly authorized agent of the author/claimant or the owner of exclusive rights.

The person who certifies the application certifies that the information provided in the application is correct to the best of his or her knowledge. Knowingly making a false representation of a material fact in an application, or in any written statement filed in connection with the application, is a crime that is punishable under 17 U.S.C. § 506(e).

When completing the Certification screen, the applicant should provide the first and last name of the individual who certified the application in the space marked "Name of the Individual Certifying this Application." There is no need to date the certification; the date will be added automatically when the application is received. 37 C.F.R. § 202.3(c)(3)(iv).

IMPORTANT NOTE: If the applicant checked the box on the Author/Claimant screen indicating that the works are anonymous or pseudonymous, and if the author does not

want to reveal his or her identity in the registration record, then as discussed in Section 1111.7(K), the author should not provide his or her real name in the certification field. Instead, the application should be certified by the author's duly authorized agent or an owner of the exclusive rights in the works. Alternatively, the author may provide his or her pseudonym in the certification field if the author is completing the application on his or her own behalf.

1112 Group Registration of Database Updates and Revisions

This Section discusses the U.S. Copyright Office's current practices and procedures for registering a group of updates or revisions to a database.

This group registration option may be used to register a specific version of a database that existed on a particular date and/or the subsequent updates or revisions to that database within a three-month period. It may be used to register a group of updates or revisions to a single-file or a multi-file database, regardless of whether prior versions of the database have been registered before.

This Section also discusses the Office's current practices and procedures for registering updates or revisions to a database that predominantly consists of photographs.

As discussed below, the Office allows applicants to register groups of photographs, provided that certain requirements have been met. The procedures for registering a group of photographs are discussed in Section 1114, and the procedures for registering photographs that have been published as a contribution to a periodical are discussed in Section 1110. Individual photographers may use any of these options to register their images, but they cannot use the group registration option for photographic databases, even if their images have been included in a database that consists predominantly of photographs. The group registration option for photographic databases is only available for database owners, such as stock photography agencies and other copyright owners that wish to register the authorship involved in creating the database, as well as the photographs within the database that were authored by or transferred to the copyright claimant. *See* Deposit Requirements for Registration of Automated Databases that Predominantly Consist of Photographs, 77 Fed. Reg. 40,268, 40,269 & n.1 (July 9, 2012).

Databases pose special problems for the Office because they are constantly changing and the updates or revisions typically contain small increments of information. Due to the processing costs and administrative burdens involved with examining these types of works, the Office applies this regulation narrowly and does not apply this group registration option to other groups of related works. In particular, this option cannot be used to register the updates or revisions to a website or a computer program. While a website may be used to access a database and a computer program may be used to manipulate the information within a database, these works are not databases as defined in Section 1112.1 below.

See generally Registration of Claims to Copyright, Registration and Deposit of Databases, 54 Fed. Reg. 13,177 (Mar. 31, 1989).

1112.1 What Is a Database?

Following an extensive rulemaking, the U.S. Copyright Office concluded that a database created or published on a particular date and any subsequent updates and revisions to that database may qualify as a "group of related works" under Section 408(c)(1) of the Copyright Act. The Office explained that "factors such as [the] size, complexity and technological characteristics" of these works, as well as their "rapidly changing content" "distinguish the automated database from other groups of related works." *See* Registration of Claims to Copyright, Registration and Deposit of Databases, 54 Fed. Reg. 13,177, 13,178 (Mar. 31, 1989).

For purposes of copyright registration, a database is defined as a compilation of digital information comprised of data, information, abstracts, images, maps, music, sound recordings, video, other digitized material, or references to a particular subject or subjects. In all cases, the content of a database must be arranged in a systematic manner, and it must be accessed solely by means of an integrated information retrieval program or system with the following characteristics:

- A query function must be used to access the content.
- The information retrieval program or system must yield a subset of the content, or it must organize the content based on the parameters specified in each query.

A single-file database is a database comprised of one data file that contains a group of data records pertaining to a common subject, regardless of the size or amount of the data that the records contain. A multi-file database is a database comprised of separate and distinct groups of data records covering multiple subjects. A data record contains all the information related to a particular unit of information within a database. A data file is defined as a group of data records pertaining to a common subject matter, regardless of the size of the records or the amount of data they contain. 37 C.F.R. § 202.20(c)(2)(vii)(D)(2).

As a general rule, databases are considered machine-readable works because they are fixed or published in optical discs, magnetic tapes, or similar storage media, and as a result they cannot be perceived without the aid of a machine or device. *See* 37 C.F.R. § 202.20(c)(2)(vii).

1112.2 The Scope of a Group Registration for a Database

The legislative history for the Copyright Act states that "computer data bases" may be protected by copyright "to the extent that they incorporate authorship in the programmer's expression of original ideas, as distinguished from the ideas themselves." H.R. REP. NO. 94-1476, at 54 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5667.

When examining a database, the principle question that the U.S. Copyright Office must consider is whether the selection, coordination, and/or arrangement of data or other component elements within the database is sufficiently creative to warrant registration. A database and/or the updates or revisions to that database typically contain the following forms of authorship:

- The selection authorship involved in choosing the material or data that is included in the database.
- The coordination authorship involved in classifying, categorizing, ordering, or grouping the material or data.
- The arrangement authorship involved in determining the placement or arrangement of the material or data within the database as a whole.

Each form of authorship may provide a basis for registering a database, provided that the selection, coordination, and/or arrangement is sufficiently creative.

If the work is registrable as a database, the registration may cover the component elements that appear within the database, such as photographs, sound recordings, or videos, provided that (i) the claimant owns the copyright in those elements, (ii) there is a sufficient amount of creative expression in those elements, and (iii) those elements have not been previously published or previously registered. (In no case may a claimant register elements that are in the public domain.) However, the copyrightable component elements are not sufficient – in and of themselves – to support a database registration unless the selection, coordination, and/or arrangement of those elements with the database is also sufficiently creative.

A group of updates or revisions should be submitted for group registration only if the updates or revisions meet the statutory standard for an original work of authorship. If they do not "satisfy the original work of authorship standard for copyright protection, then no new registration is necessary or warranted." Registration of Claims to Copyright, Registration and Deposit of Databases, 54 Fed. Reg. 13,177, 13,179 (Mar. 31, 1989). "Where the Office determines that only a few minor revisions have been made in the representative deposit, registration will be subject to question, and absent more justification, will be denied." *Id.*

In all cases, the author's selection, coordination, and/or arrangement must be evident in the deposit material. If the identifying material or the descriptive statement do not demonstrate that the updates or revisions constitute an original work of authorship, the Office may communicate with the applicant or may refuse to register the claim.

1112.3 The Scope of a Group Registration for a Photographic Database

As a general rule, the U.S. Copyright Office encourages photographers, stock photography companies, database providers, and other interested parties to register their works using the group registration options for published or unpublished photographs, rather than the group registration for photographic databases.

A registration for a photographic database covers the authorship involved in selecting, coordinating, and arranging the content of the database as a whole. It also may cover the individual photographs within the database if the photographers transferred the exclusive rights in their respective works to the owner of the database, and if the selection, coordination, and arrangement of those photographs is sufficiently creative. If the selection, coordination, or arrangement of the photographs in the database or its

updates is not sufficiently creative using an objective standard, the registration specialist will refuse registration.

Photographers often display their works on websites and distribute them in catalogs. But as discussed in Section 1112, websites and catalogs are not considered databases for purposes of registration. If the Office determines that a particular website or catalog does not qualify as a database, it will refuse to register that work as a photographic database or as a group of updates or revisions to a database.

Moreover, registering photographs as part of a photographic database may limit the copyright owner's ability to seek certain remedies in an infringement action. The Copyright Act states that a copyright owner may be entitled to recover "an award of statutory damages for all infringements involved in [an infringement] action, with respect to any one work," but "[f]or purposes of this subsection all parts of a compilation . . . constitute one work." 17 U.S.C. § 504(c)(1).

A database is – by definition — a compilation. *See Alaska Stock, LLC v. Houghton Mifflin Harcourt Publishing Co.*, 747 F.3d 673, 676 (9th Cir. 2014) (concluding that a photographic database is a collective work). Consequently, when a group of photographs is registered as a database, the copyright owner may be entitled to seek only one award of statutory damages for the database as a whole – rather than a separate award for each photograph – even if the defendant infringed all the photographs covered by the registration.

By contrast, when a copyright owner registers a group of photographs under GRUPH or GRPPH, the registration covers each photograph in the group, but the group itself is not considered a compilation. 37 C.F.R. § 202.4(n). Therefore, any claim for infringement of those photographs would not be subject to the limitation set forth in Section 504(c)(1) of the Copyright Act.

See generally Group Registration of Photographs, 81 Fed. Reg. 86,643, 86,645, 86,654 (Dec. 1, 2016).

1112.4 Eligibility Requirements

An applicant may use this group registration option to register a group of updates or revisions to a database, provided that the following conditions have been met:

- The updates or revisions must be original works of authorship.
- The updates or revisions must be added to a database as defined in Section 1112.1.
- All the updates or revisions to the database must have the same general title.
- The subject and general content of the updates or revisions must be similar.
- The organization of the updates or revisions must be similar.
- All the updates or revisions must be owned by the same copyright claimant.

In addition, the applicant must satisfy the following conditions if the database is unpublished:

- The database and/or the updates or revisions to the database must be fixed solely in machine-readable copies.
- The database and/or the updates or revisions must be created within a three-month period within a single calendar year (*e.g.*, February 1, 2007 through April 30, 2007; May 1, 2008 through July 31, 2008; September 1, 2009 through November 30, 2009).

If the database has been published, the applicant must satisfy the following conditions:

- The database and/or the updates or revisions must be published solely in machine-readable copies.
- The database and/or the updates or revisions must be published within a three-month period within a single calendar year (*e.g.*, June 1, 2011 through August 31, 2011; July 1, 2010 through September 30, 2010; September 1, 2012 through November 30, 2012).
- If the database was published before March 1, 1989, each update or revision must bear a separate copyright notice, the notice must contain the copyright owner's name (or an abbreviation by which the owner can be recognized or a generally known alternative designation for the owner), and the name that appears in each notice must be the same.

See 37 C.F.R. § 202.3(b)(5)(i)(A)-(F).

Databases, updates, or revisions that do not satisfy these requirements cannot be registered using this group registration option.

1112.5 Application Requirements

As a general rule, the applicant must use a paper application to register a database and/or a group of updates or revisions to that database. *See* 37 C.F.R. § 202.3(b)(5)(ii)(A). Unlike most group registration options, applicants do not need to use a special form. Instead, the applicant should use the form that is most appropriate for the subject matter of the works that appear in the database. *See id*. For example, if the works in the database consist primarily of words, numbers, or other verbal or numerical symbols or indicia, the applicant should use Form TX. If the works consist predominantly of photographs, the applicant should use Form VA. For guidance on completing the paper application, see Section 1112.8.

There is a limited exception to this rule. A database that consists predominantly of photographs and/or the updates or revisions to that database may be registered with an online application as a result of a pilot project. *See* 37 C.F.R. § 202.3(b)(5)(ii)(A). Before completing an online application, the applicant must contact the Visual Arts Division at (202) 707-8202 to coordinate the filing and to obtain proper guidance concerning the

information that should be included in the application and the proper method for submitting the deposit copies. Applicants will be permitted to file an online application for a database that consists predominantly of photographs only if they obtain authorization from the Visual Arts Division and follow the instructions from the Division. *See* Registration of Claims to Copyright, 76 Fed. Reg. 4072, 4075 (Jan. 24, 2011).

1112.6 Filing Fee Requirements

The applicant must submit the correct filing fee for this group registration option. *See* 37 C.F.R. § 202.3(b)(5)(ii)(B).

The current fee for registering a group of updates or revisions to a non-photographic database is set forth in the U.S. Copyright Office's fee schedule under the heading "Registration of updates or revisions to a database that predominantly consists of non-photographic works."

The current fee for registering a photographic database is set forth in the Office's fee schedule under the heading "Registration for a database that predominantly consists of photographs and updates thereto."

For information concerning the methods for paying the filing fee, see Chapter 1400, Sections 1412.3 through 1412.5.

1112.7 Deposit Requirements

This Section discusses the deposit requirements for registering a database and/or a group of updates or revisions to that database. All applicants must comply with these requirements, regardless of whether they intend to register the updates or revisions for a single-file database or a multi-file database.

These requirements are intended to alleviate some of the administrative burdens involved with examining a group of related works. In developing these requirements, the Office also considered the unique factors that distinguish databases from other types of works, such as "frequent updates; incremental changes, which are sometimes minor; the absence of a hard-copy record of the changes in general; and the tendency to commingle copyrightable and uncopyrightable matter." Registration of Claims to Copyright, Registration and Deposit of Databases, 54 Fed. Reg. 13,177, 13,178-79 (Mar. 31, 1989).

1112.7(A) Databases That Do Not Consist Predominantly of Photographs

This Section discusses the deposit requirements for a database that does not consist predominantly of photographs.

In all cases, the applicant should prepare and submit a brief statement that describes the database. The specific requirements for this descriptive statement are discussed in Section 1112.7(C).

The applicant does not need to submit a complete copy of the entire database. Instead, the applicant should gather a representative portion of the database using one of the

methods discussed below and should submit one copy of that material to the U.S. Copyright Office in a form that is visually perceptible without the aid of a machine or device. *See* 37 C.F.R. § 202.20(c)(2)(vii)(D).

As discussed in Section 1112.3, all the updates or revisions in the group must be created or published within a three-month period within the same calendar year. The applicant should select a representative date from that three-month period and gather fifty pages or fifty data records that appeared in the database on that date. *See* 37 C.F.R. § 202.20(c)(2)(vii)(D)(5). The pages or records should be marked to show the copyrightable updates or revisions that were created or published on the selected date. The applicant does not need to specify every copyrightable change that appears in these pages or records. However, the applicant should identify a sufficient amount of new material to demonstrate that the updates or revisions constitute an original work of authorship. *See* Registration of Claims to Copyright, Registration and Deposit of Databases, 54 Fed. Reg. 13,177, 13,178-79 (Mar. 31, 1989).

Alternatively, the applicant may select a representative date from the three-month period, and gather fifty pages or fifty data records that appeared in the database on that date. The pages or records must consist entirely of new copyrightable material that was created or published on the selected date. In addition, the applicant should submit a cover letter confirming that the pages or records are comprised entirely of new copyrightable material that was created or published on the same date. *See id.*

In all cases, the applicant should write the name of the database on the first page or the first record that is included in the deposit material.

If the database has been fixed in a CD-ROM and if the group of updates or revisions can be discerned from that format, the applicant may submit one complete copy of the entire CD-ROM package, including a complete copy of any accompanying operating software and instructional manual. 37 C.F.R. § 202.20(c)(2)(xix). If the registration specialist is unable to access the CD-ROM or unable to determine whether new copyrightable material was added to the database during the three-month period specified in the application, he or she will ask the applicant to submit a representative portion of the database using one of the methods discussed above.

If the database has been fixed or published in a CD-ROM and if the Office previously issued a group registration for that database, the applicant may submit a CD-ROM containing subsequent updates or revisions to that same database, provided that the descriptive statement (i) identifies the new material that was added to the database during the period specified in the application, and (ii) confirms that the updates or revisions are similar to the updates or revisions specified in the previous registration.

The deposit may be delivered by mail, commercial carrier, courier, or hand delivery to the Public Information Office. Packages that are delivered to the U.S. Copyright Office by mail or commercial carrier will be irradiated to destroy possible contaminants, such as anthrax. This process may damage CD-ROMs or other discs. To avoid this result, applicants are strongly encouraged to send these types of materials in boxes rather than envelopes. For additional guidance on delivering items to the Office, see Chapter 1500, Section 1508.2.

1112.7(B) Databases That Predominantly Consist of Photographs

This Section discusses the minimum deposit requirements for a database that consists predominantly of photographs. In some cases, the Visual Arts Division may ask the applicant to submit additional deposit material, particularly when the claim is submitted using the electronic registration system. For specific guidance, applicants should contact the Visual Arts Division at (202) 707-8202.

In all cases, the applicant should prepare and submit a brief statement that describes the database. The specific requirements for this descriptive statement are discussed in Section 1112.7(C).

If the applicant intends to register the photographs that were added to the database during the period specified in the application, the applicant must submit a copy of each photograph that is included in the claim. *See* 37 C.F.R. § 202.20(c)(2)(vii)(D)(8).

The applicant must submit the photographs in a digital form, and each photograph must be submitted in JPEG, GIF, or TIFF formats.

In addition, the applicant must submit a sequentially numbered list containing the title and file name for each photograph in the group. The title and file name for a particular photograph may be the same. If the photographs have been published, the list must provide the month and year of publication for each photograph. The U.S. Copyright Office has developed a template that may be used to create this list, which is discussed in more detail in Section 1114.6(A).

The list must be submitted in an Excel format (.xls), Portable Document Format (PDF), or other electronic file format approved by the Visual Arts Division. The file name for the list must contain the title of the database. It should also include the case number that has been assigned to the claim by the electronic registration system. This number appears near the top of each screen of the online application. (If the claim is submitted on a paper application, a case number is not required.)

Examples:

- Online application:
    - *Title of database*: North American Wildlife.
    - *Case number*: 1-62883927239.
    - *File name for the numbered list:* northamericanwildlifecasenumber162883927239.xls
- Paper application:
    - *Title of database*: South American Landscapes.
    - *File name for the numbered list:* southamericanlandscapes.pdf

The applicant may upload the digital files to the electronic registration system, preferably in a .zip file containing all the files, provided that the applicant (i) obtains prior authorization from the Visual Arts Division, and (ii) submits the online application and the deposit copies after consulting with, and under the supervision of, that Division.

Alternatively, the applicant may save the digital files on a physical storage device, such as a flash drive, CD-R, or DVD-R, and may deliver the device to the U.S. Copyright Office along with the required shipping slip generated by the electronic registration system by mail, commercial carrier, courier, or hand delivery to the Public Information Office. For additional guidance on these delivery options, see Chapter 1500, Section 1508.2.

If the applicant intends to register the authorship involved in selecting, coordinating, and/or arranging the photographs that appear in the database, but does not intend to register the individual photographs, the applicant should submit a representative portion of the database using one of the methods described in Section 1112.7(A).

See generally Group Registration of Photographs, 81 Fed. Reg. 86,643 (Dec. 1, 2016); Deposit Requirements for Registration of Automated Databases That Predominantly Consist of Photographs, 76 Fed. Reg. 5106 (Jan. 28, 2011); Registration of Claims to Copyright, 76 Fed. Reg. 4072 (Jan. 24, 2011).

1112.7(C) Descriptive Statement

In all cases, the applicant must submit a brief typed or printed statement containing the following information:

- The title of the database.
- The name and address of the copyright claimant.

- A subtitle, date of creation, or date of publication (if any) that may be used to distinguish any separate or distinct data files within the database.

- The name and content of each separate data file, including its subject, the origin(s) of the data, and the approximate number of data records that it contains.

- The nature and frequency of the changes in the database and the location within the database or the separate data files where the changes appear. When describing the nature of the changes, applicants should clearly articulate the authorship claimed in these changes.

If the database contains a copyright notice, the descriptive statement should provide the following information:

- If the notice is in a machine-readable format, the applicant should provide the exact content of the notice and indicate the manner and frequency with which it is displayed (*e.g.*, at a terminal when a user signs on, continuously on the terminal display, on printouts from the database, etc.).

- If the notice appears on copies of the database or on magnetic tape reels or the containers for those reels, the applicant should submit a photocopy or other sample of the notice.

See 37 C.F.R. § 202.20(c)(2)(vii)(D)(5)-(7).

1112.8 Completing the Application: Group Registration of Databases

This Section provides guidance for registering a database and/or a group of updates or revisions using Forms TX or VA.

The U.S. Copyright Office has established a pilot program for applicants who wish to register databases that consist predominantly of photographs using the electronic registration system. As discussed in Section 1112.4, applicants must contact the Visual Arts Division for authorization to use the online application and for guidance in completing the application and submitting the deposit copies.

As discussed in Section 1112.3, the updates or revisions in the group must be created or published within a period of three months or less. The application may be submitted on the last day of this period or anytime thereafter (regardless of whether the applicant uses the online registration system or a paper application). However, if the application is received before the last day of the period specified in the application, the registration specialist will communicate with the applicant.

1112.8(A) Space 1: Title

The applicant should provide the title of the database on space 1 of the application under the heading marked Title of This Work. The title should be provided together with the following statement: "Group registration for database titled [*insert the title of the database*]."

As discussed in Section 1112.3, all the updates or revisions in the group must be created or published within a three-month period within the same calendar year. This period should be specified on space 1 of the application under the heading marked Title of This Work, preferably in the following format: "Updates and revisions from [*insert first date in the period*] to [*insert the last day in the period*]."

As discussed in Section 1112.7(A), the applicant should select a representative date from the period specified in the Title of This Work space, and submit fifty pages or fifty data records that were added to the database on that date. The applicant should provide that date in space 1 under the heading marked Publication as a Contribution, preferably in the following format: "Representative Date: [*insert month, day, and year*]." In addition, the applicant should specify the frequency that updates or revisions are made to the database (*e.g.*, daily, weekly, monthly, etc.).

If the applicant is unable to submit fifty records from a specific date, the applicant may submit a selection of records that were added to the database on multiple dates. In this situation, the applicant may provide a range of dates in space 1, preferably in the following format: "Representative Dates: [*insert month(s), day(s), and year here*]."

NOTE: There is no need to complete the Publication as a Contribution space if the database consists predominantly of photographs.

1112.8(B) Space 2: Name of Author / Nature of Authorship

In space 2(a) the applicant should provide the full name of the author who created the updates or revisions for the database, as well as the author's country of citizenship and/or domicile.

If the updates or revisions were created by more than one author, the applicant may list the other authors on spaces 2(b) and 2(c) or on Form CON, although providing this information is optional.

If the updates or revisions were created as works made for hire, the applicant should check the box marked "yes" that appears under the heading "was this contribution to the work a 'work made for hire'?"

For guidance in providing the Author's Name, see Chapter 600, Section 613.9. For guidance in providing the author's citizenship and domicile, see Chapter 600, Section 617. For a definition and discussion of works made for hire, see Chapter 500, Section 506.

The applicant should identify the copyrightable authorship that the author contributed to the updates or revisions. The applicant should provide this information in space 2(a) under the heading marked Nature of Authorship.

The Office may accept any of the terms listed below, provided that they accurately describe the copyrightable authorship that appears in and is supported by the deposit copy. In most cases, the Office will accept combinations or variant forms of these terms, unless they are contradicted by information provided in the deposit copies or elsewhere in the registration materials.

- Compilation of data.
- Compilation of database information.
- Compilation of photographs.
- Compilation of artwork.
- Compilation and text.
- Revised and updated compilation.
- Text of database.

NOTE: The applicant should also submit a separate descriptive statement that describes the selection, coordination, and/or arrangement that the author contributed to the database. For information concerning this requirement, see Section 1112.7(C).

The authorship that the applicant intends to register should be clearly identified in the application and the descriptive statement, and the claim to copyright in that authorship should be clearly stated. If the claim is unclear, the registration specialist may communicate with the applicant or may refuse registration. Examples of unclear terms include the following or any combination of the following:

- Data dictionary.
- Data insertion.
- Data layout or format.
- Data manipulation.
- Database features.

If the applicant asserts a claim in both the copyrightable and uncopyrightable features of the database, the registration specialist may annotate the application to indicate that the registration does not extend to the uncopyrightable features. If the applicant asserts a claim to copyright in any storage medium or any feature of the database that is uncopyrightable, the specialist may communicate with the applicant or may refuse registration if the claim appears to be based solely on those features. Examples of unacceptable terms include the following or any combination of the following:

- Database design.
- Database interface.
- Database structure.
- Data system.

For additional guidance in completing the Nature of Authorship space, see Chapter 600, Section 618.4(B).

1112.8(C) Space 3(a): Year in which Creation of This Work Was Completed

As discussed in Section 1112.3, the updates or revisions must be completed within a three-month period within a single calendar year.

In space 3(a) the applicant should provide the year that the author completed the specific updates or revisions that will be submitted for registration. The applicant should not provide a year of completion for the first version of the database or any updates or revisions that are not included in the group.

1112.8(D) Space 3(b): Date and Nation of First Publication of This Particular Work

If the updates or revisions have been published, the applicant should provide the last date (month, day, and year) that updates or revisions were published during the time period specified in the Publication as a Contribution space. If the updates or revisions have not been published, this portion of the application should be left blank.

For a general discussion of publication issues, see Chapter 600, Section 612.

1112.8(E) Space 4: Copyright Claimant(s)

As discussed in Section 1112.3, the copyright in the updates and revisions must be owned by the same claimant. The applicant should provide the claimant's full name and address in space 4 of the application. For guidance on completing this portion of the application, see Chapter 600, Section 619.

If the author(s) and the claimant named in the application are not the same person, the applicant should provide a brief transfer statement that explains how the claimant obtained the copyright in the updates or revisions in the group. This information should be provided in space 4 under the heading marked Transfer. For guidance on completing this portion of the application, see Chapter 600, Section 620.9.

1112.8(F) Spaces 5 & 6: Previous Registration / Derivative Work or Compilation

If the updates or revisions contain an appreciable amount of material that has been previously registered with the U.S. Copyright Office, the applicant should exclude that material from the claim using the procedures described in Chapter 600, Section 621.8(F). If the updates or revisions contain an appreciable amount of material that has been previously published, material that is not owned by the copyright claimant, or material that is in the public domain, the applicant should exclude that material from the claim using the procedures described in Chapter 600, Sections 621.8(A) through 621.8(C).If the updates or revisions do not contain previously registered material, previously published material, public domain material, or material owned by a third party, this portion of the application may be left blank.

1112.8(G) Space 8: Certification

The applicant should certify and date the application on space 8 under the heading marked "Signature." The Office will accept a handwritten, printed, or typed signature. If the signature is handwritten, the first and last name of the person who certified the application should be typed or printed on the space marked "Typed or printed name and date." In addition, the applicant should check one of the boxes indicating whether he or she is an author of the work, the copyright claimant, an owner of one or more of the exclusive rights in the works, or a duly authorized agent of one of the foregoing persons. 37 C.F.R. § 202.3(c)(2)(i).

The application should be certified and submitted to the U.S. Copyright Office on or after the last date specified in space 1 of the application under the heading marked Title of This Work. If the application is certified or submitted before the last date specified in the Title of This Work space, the registration specialist may communicate with the applicant.

For additional guidance in completing the Certification space, see Chapter 600, Section 624.

1112.8(H) Spaces 7 & 9: Correspondent and Mailing Address for the Certificate

For guidance in completing the Correspondent space, see Chapter 600, Section 622.2. For guidance in providing the mailing address for the certificate, see Chapter 600, Section 622.4.

1112.9 Effective Date of Registration for a Group of Revisions or Updates to a Database

As discussed in Section 1112.3, all the updates or revisions in the group must be created or published within a three month period within the same calendar year. As discussed in Section 1112.8, the application may be submitted on the last day of this period or anytime thereafter.

The U.S. Copyright Office will assign an effective date of registration based on the date that the Office received the application, filing fee, and the deposit material, which are later determined by the Register of Copyrights or by a court of competent jurisdiction to be acceptable for registration. 17 U.S.C. § 410(d).

Example:

- Farmers & Mechanics Bank submitted an application to register the updates and revisions that were made to its database between January 1, 2010 and March 31, 2010. The Office received the application and the filing fee on May 1, 2010, along with a printout containing fifty records from the database. On May 2, 2010, the Office received the descriptive statement for this claim. The Office

will issue a group registration with an effective date of registration of May 1, 2010.

For a general discussion of effective date of registration, see Chapter 600, Section 625.

1112.10 Databases That Do Not Satisfy the Group Registration Requirements

If the applicant is unable to use this group registration option, it may be possible to register the database as it existed on a particular date. A registration for a specific version of a database does not cover any subsequent updates or revisions that may be made to the database (regardless of whether the database is published or unpublished). For information on the practices and procedures for obtaining a registration for a specific version of a single-file or multi-file database, see Chapter 700, Section 727.

1113 [Reserved]

1114 Group Registration of Photographs

This Section discusses the U.S. Copyright Office's practices and procedures for registering a group of photographs. The Office has established a group registration option for unpublished photographs, and a separate group registration option for published photographs. When referring to these options, the Office uses the terms "GRUPH" and "GRPPH," respectively.

NOTE: The group registration option for unpublished photographs replaces the registration accommodation for "unpublished collections," which was eliminated effective March 15, 2019. For additional information concerning this change, see Section 1106.6.

When the Office receives a group of photographs, it will examine each photo to determine if it contains a sufficient amount of copyrightable authorship, and to confirm that the legal and formal requirements for registration have been met. A registration for a group of photographs covers the copyrightable authorship in each photo that is submitted for registration, and each photo is registered as a separate work. 37 C.F.R. § 202.4(n).

If an unpublished photograph has been registered with the Office it does not have to be registered again if it is subsequently published (although as discussed in Chapter 500, Section 510.1, the Office will register the first published edition of a work even if the unpublished version and the published version are substantially the same). Registering an unpublished photograph prior to infringement will preserve the copyright owner's ability to seek statutory damages and/or attorney's fees in an infringement action.

For guidance on registering a single photograph, see Chapter 900, Section 909. For information concerning the option for registering a group of photos that have been published as contributions to periodicals, see Section 1110. For a general overview of the similarities and differences between the options for registering a group of photographs and a group of contributions to periodicals, see Section 1117.

See generally Group Registration of Photographs, 83 Fed. Reg. 2542 (January 18, 2018); Group Registration of Photographs, 81 Fed. Reg. 86,643 (Dec. 1, 2016); *see also* H.R. REP. NO. 94-1476, at 154 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5770 (citing "a group of photographs by one photographer" as an example of a group of related works that might qualify for group registration).

1114.1 Eligibility Requirements

A group of photographs may be registered with the U.S. Copyright Office, provided that the following conditions have been met:

- All the works in the group must be photographs.
- All of the photographs must be either published or unpublished. An applicant may not submit a group that includes both published and unpublished photographs.
- The group may include no more than 750 photographs, and the application must specify the total number of photographs that are included in the group.
- All the photographs must have been created by the same author.

  NOTE: The photographs may be registered as works made for hire (i) if they were created for the same party, (ii) if that party is named as the author of each photo, and (iii) if all the photos are identified in the application as "works made for hire."

- The copyright claimant for each photograph must be the same person or organization.
- The applicant must provide a title for the group as a whole,

In addition, the applicant must satisfy the following condition when registering a group of published photographs:

- All the photographs must be first published within the same calendar year, and the application must specify the earliest and most recent date that the photographs were first published during that year.

See 37 C.F.R. § 202.4(h)(1)-(4), (h)(6)-(7), (i)(1)-(4), (i)(6)-(7).

Photographs that do not satisfy these requirements cannot be registered using these options.

The group registration options for published and unpublished photographs are mutually exclusive of each other. An applicant may register a group of unpublished photos if all the images are unpublished, and may register a group of published photos if all the images were published in the same calendar year. But an applicant may not combine published and unpublished photos in the same submission, or combine photos that were published in different years.

The person or entity who owns the copyright in a photograph determines whether that work should be published. If the author or copyright owner decides to publish a particular photograph, that party decides when, where, and how that work should be published. For purposes of registration, a photograph is published on the specific month, day, and year that a copy or multiple copies of that work are distributed to the public for the first time.

For example, a photograph may be published when a photographer sends one or more copies of that work to a client. By contrast, the mere public display of a photograph – either by the author, copyright owner, or a third party – does not constitute publication in and of itself.

Example: Photos Published through the Authorized Distribution of One or More Copies of the Work

- On May 1st Parker Peters took 600 photos of the President. Later that day he transmitted one copy of each photo to the publisher of the *Daily Trumpet*, along with a license to distribute or display each image.

  On May 2nd the publisher posted one photo on its website. On May 3rd the publisher used a second photo in its social media feed. On November 4th the publisher printed a third photo on the front page of its newspaper. (The publisher saved the rest of the photos for possible use on a future date.)

  All 600 photos were published on May 1st when Parker sent copies of these images to the publisher. The fact that the publisher distributed or displayed three photos on May 2nd, May 3rd, and November 4th (and saved the rest) is irrelevant to the publication status of the works.

A photograph is also published when one or more copies of that work are offered to a group of persons for the first time for purposes of further distribution or public display. For instance, a photo may be published when a photographer offers one copy of that work to agencies, wire services, and websites, along with a license to further distribute or publicly display that image. But as mentioned above, the mere public display of a photograph, in and of itself, does not constitute publication.

- Example: Photos Published by Offering One or More Copies of the Work to a Group of Persons for the Purpose of Further Distribution or Public DisplayOn January 20th Adam Ansel took 500 photos at the Inauguration. Later that day he offered these photos to the Associated Press (AP) and United Press International (UPI), along with a license to further distribute or publicly display each image.

> Pursuant to this license, AP and UPI offered all of the images to their clients, but no one expressed interest in using them.
>
> All 500 photos were published on January 20th when Adam offered them to a group of persons (namely, the wire services) for purposes of further distribution or public display. The fact that the photos were never publicly displayed or distributed to members of the public is irrelevant to the publication status of the works.

As discussed above, GRUPH and GRPPH may be used to register photographs, but they cannot be used to register any other type of work. For example, the Office will not accept an application that combines photographs with text, illustrations, or other types of artwork.

Another key requirement is that the group must contain no more than 750 photographs. If an applicant exceeds this limit, the registration specialist may register the first 750 photos identified in the title list and remove the rest of the photos from the record, or alternatively, he or she may simply refuse registration.

1114.2 Application Requirements

To register a group of unpublished photographs, the applicant must complete and submit the online application designated for "unpublished photographs." To register a group of published photographs, the applicant must complete and submit the online application designated for "published photographs." The U.S. Copyright Office will not accept these types of claims if they are submitted with the Standard Application or a paper form. 37 C.F.R. § 202.4(h)(8), (i)(8).

For guidance on completing the online applications, see Section 1114.6.

1114.3 Filing Fee Requirements

The applicant must submit the correct filing fee for these group registration options. *See* 37 C.F.R. § 202.4(h), (i).

The current fee for registering a group of photographs is set forth in the U.S. Copyright Office's fee schedule under the headings "Registration of a claim in a group of published photographs or a claim in a group of unpublished photographs."

For information concerning the methods for paying the filing fee, see Chapter 1400, Sections 1412.3 through 1412.5.

1114.4 Deposit Requirements

This Section discusses the deposit requirements for registering a group of photographs.

1114.4(A) Digital Photographs and Mandatory Title List

In all cases, applicants must submit a digital copy of each photograph that is included in the group, and each photo must be submitted in a JPEG, GIF, or TIFF format. The U.S.

Copyright Office will not accept photos submitted in other digital formats, such as PDF, or physical copies, such as prints or contact sheets.

In addition, applicants must submit a sequentially numbered list containing the title and file name for each photo, and in the case of published photographs, the month and year of publication for each photo. The list may be submitted in Excel (.xls, .xlsx), Portable Document Format (PDF), or any other format that has been approved by the Visual Arts Division. The Office has developed a template that may be used to create this list, which is discussed in more detail in Section 1114.6(A).

See 37 C.F.R. § 202.4(h)(9), (i)(9).

1114.4(B) Submitting the Digital Files and Mandatory Title List

The U.S. Copyright Office strongly encourages applicants to combine the digital photos and the title list in a .zip file and upload that file to the electronic registration system. The size of each uploaded file must not exceed 500 megabytes, although the photos may be digitally compressed to comply with this limitation.

Alternatively, applicants may save the digital photos and the title list on a physical storage device, such as a flash drive, CD-R, or DVD-R, and deliver that device to the Office. However, this will significantly delay the examination of the claim.

A physical storage device must be submitted together with an appropriate shipping slip. To create a shipping slip, the applicant should complete the online application and pay the filing fee. Next, the applicant should select the "Create Shipping Slip" button at the bottom of the Case Summary screen, and then open the link and print the shipping slip. For step-by-step instructions on how to create a shipping slip, consult the Office's video tutorials for published and unpublished photographs.

The shipping slip must be included in the package containing the physical storage device. If the applicant fails to include a shipping slip the Office will be unable to connect the deposit with the appropriate application. In such cases, the applicant will be required to pay an additional fee to search for the deposit and connect it with the application. If the deposit cannot be located, the applicant will be required to resubmit the deposit, which will change the effective date of registration for the group registration.

The physical storage device and shipping slip may be delivered to the Office by mail, by commercial carrier (such as Federal Express or United Parcel Service), by courier, or by hand delivery to the Public Information Office. Packages that are delivered to the Office by mail, commercial carrier, or courier will be irradiated to destroy possible contaminants, such as anthrax. This process may damage files stored on electronic media. To avoid this result, applicants are strongly encouraged to send physical storage devices in boxes rather than envelopes. For additional guidance on these delivery options, see Chapter 1500, Section 1508.2.

1114.4(C) Special Relief from the Deposit Requirements

The U.S. Copyright Office recognizes that there may be cases where a photographer may not have a digital copy of his or her photos or may find it difficult to create a digital copy for purposes of seeking a group registration. If a photographer is unable to submit his or her photos in a digital format, the applicant may request special relief from the deposit requirements.

A request for special relief must be made in writing, and it should explain why the photographer is unable to submit digital files that satisfy the deposit requirements described in Section 1114.4(A). The Office may grant a request for special relief, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. *See* 37 C.F.R. § 202.20(d)(1)(iii), (iv).

For a general discussion of special relief, see Chapter 1500, Section 1508.8.

1114.5 When May an Application for a Group Registration Be Filed?

The U.S. Copyright Office will register a group of photographs, provided that the applicant complies with the requirements set forth in Sections 1114.1 through 1114.4.

An application for a group registration may be filed at any time, but a photograph must be registered in a timely manner in order to seek statutory damages and attorney's fees in an infringement action. Specifically, a copyright owner may seek these remedies if the photograph was registered (i) before the infringement commenced or (ii) within three months after the first publication of that work. *See* 17 U.S.C. § 412.

In the case of unpublished photographs, the Office strongly encourages applicants to register their photos before sharing them with any other party. By doing so, applicants will preserve the copyright owner's ability to seek statutory damages and attorney's fees in subsequent infringement disputes involving those works.

In the case of published photographs, the Office strongly encourages applicants to submit their claims every three months (instead of filing on an annual or semi-annual basis), and in each case, to file the claim within three months after the earliest publication date specified in the application. *See* Registration of Claims to Copyright, Group Registration of Photographs, 65 Fed. Reg. 26,162, 26,164 (May 5, 2000).

Example: Photos Published through the Authorized Distribution of One or More Copies of the Work

- John Olsen is a wedding photographer. On April 1st John posted 100 photos from a bridal shower in a password-protected folder on his website. On May 1st he posted 50 photos from the bachelor party. On June 1st he posted 600 photos from the wedding day. In each case, John sent the bride and groom a link and a temporary

password for this folder, and gave them a license to download and retain a copy of each image.

On July 1st the couple downloaded 10 photos from the bridal shower, on July 15th they downloaded 5 photos from the bachelor party, and on July 31st they downloaded all but one of the photos from the wedding day. The couple never shared the photos with anyone else.

All of the photos were published when John made them available for distribution to the couple in the password-protected folder:

- The 100 photos from the bridal shower were published when they were made available for distribution on April 1st.
- The 50 photos from the bachelor party were published when they were made available for distribution on May 1st.
- The 600 photos from the wedding day were published when they were made available for distribution on June 1st.

The fact that the couple actually downloaded 10 photos on July 1st, 5 photos on July 15th, and 599 photos on July 31st (and ignored the rest) is irrelevant to the publication status of these works. The fact that the couple never shared the photos with anyone else is also irrelevant.

On August 1st, John submitted an application to register these 750 photographs (together with the correct filing fee and the proper deposit copies) and stated that 100 images were published on April 1st, 50 were published on May 1st, and 600 were published on June 1st. The Office issued a group registration with an effective date of registration of August 1st.

If a third party infringed all of these photographs on July 1st, John should be able to claim statutory damages and attorney's fees for the photos from the bachelor party and the wedding day, because those images were published on May 1st or June 1st, and they were registered less than three months later on August 1st. However, John would not be able to claim these remedies for the photos from the bridal shower, because those images were published on April 1st and registered more than three months later on August 1st.

1114.6 Completing the Application: Group Registration of Photographs

This Section provides guidance for completing the online application for a group of unpublished photographs and the online application for a group of published photographs. It also provides guidance for preparing the list of titles that must be included with the submission.

The application and title list may be submitted by the author, the copyright claimant, the owner of any of the exclusive rights in the photographs, or a duly authorized agent of one of these parties. *See* 37 C.F.R. § 202.4(h)(8), (i)(8).

As discussed in Section 1114.2, applicants must use the online application as a condition for seeking a group registration. If an applicant attempts to use the Standard Application or a paper application, the U.S. Copyright Office will refuse registration and instruct the applicant to resubmit the claim using the appropriate form. This will require a new filing fee and deposit and will result in a later effective date of registration.

NOTE: In exceptional cases, the Office may waive the online filing requirement, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. 37 C.F.R. § 202.4(h)(11), (i)(11). A request to waive this requirement must be made in writing. It should explain why the applicant is unable to use the online application, and it should be sent to the following address:

Associate Register of Copyrights and
Director of Registration Policy & Practice
Registration Program
U.S. Copyright Office
101 Independence Avenue SE
Washington, DC 20559

1114.6(A) Preparing the Title List

As discussed in Section 1114.4(A), the applicant must prepare and submit a sequentially numbered list specifying the title and file name for each photograph in the group. In the case of published photographs, the list also must specify the month and year of publication for each photo.

The title may consist solely of numbers and letters that were automatically assigned by the camera or a unique identifier that has been assigned to the image by a third party, such as the PLUS Registry. The U.S. Copyright Office strongly discourages applicants from stating "untitled," "no title," or the like, because interested parties typically search for works by title and it may be impossible to locate a particular photo unless a meaningful title has been provided.

The Office will use the list to examine and document the claim, particularly in cases where the applicant does not provide title or publication information in the application itself. For example, the Office may use the list to count the number of photos that are included in the deposit to confirm that it matches the number of photos claimed in the application. In the case of published photographs, the list may be used to identify the month and year of publication for each photo in the group. In addition, the Office may use the list to locate and retrieve the deposit in the event it is needed for litigation or other legitimate purposes.

The title and file name for a particular photograph may be exactly the same or entirely different. But the file name provided on the list must correspond to the file name for the

actual photograph that is included in the deposit. If they do not match each other, the registration specialist may ask the applicant to exclude that photo from the claim, or he or she may simply refuse registration.

Applicants are strongly encouraged to use the Office's template to create this list. Applicants are also encouraged to prepare this list before they complete the online application. Doing so will make it easier to complete the "title" section of the application, which is discussed in Section 1114.6(D) below.

Guidance for completing the template is provided in the help text and video tutorials that accompany each application. Applicants may access these resources using the following links:

- Template / help text / video tutorial for unpublished photographs
- Template / help text / video tutorial for published photographs

As discussed in Section 1114.4(A), the list may be submitted in Excel (.xls, .xlsx), Portable Document Format (PDF), or any other format that has been approved by the Visual Arts Division. The file name for the list should include the case number that has been assigned to the application, and the title that has been assigned to the group of photographs. For example, if the title of the group is "Baxter Wedding Photos," if the case number is 1-6283927239, and if the list will be submitted in Excel format, then the file should be named using the following convention:

- Baxter wedding photos case number 1-6283927239.xls

For guidance in locating the case number, consult the help text that accompanies each application. For guidance in selecting a title for the group of photographs, see Section 1114.6(C).

1114.6(B) Type of Group

To access the online application, applicants should select the phrase "Register a Group of Photographs," which appears on the home page of the electronic registration system.

If the photographs are unpublished, the applicant should select the option for "Unpublished Photographs" from the drop down menu on the Type of Group screen. If the photographs have been published, the applicant should select the option for "Published Photographs."

Once a selection has been made, the system will generate a brief statement that describes the eligibility requirements for each option. If these requirements have been met, the applicant should check the box that appears next to the following statement: "I agree that I have read, understood, and meet all eligibility requirements described above for filing the selected Group Registration."

1114.6(C) Title of the Group

To register a group of photographs, the applicant must provide a title for the group as a whole. This information should be provided on the Title screen in the space marked "Title of Group." As discussed in Sections 1114.4(A) and 1114.6(O), this title should also be included in the file name for the title list and in the field marked "File Name for Required Numbered List of Photographs" on the Certification screen.

Applicants may provide any title that reasonably identifies the group as a whole. For example, the U.S. Copyright Office will accept a title that identifies the photographer and the month/year the photos were taken, such as "Jack Jackson's Photos May through July 2018." The Office will accept a title that identifies the subject matter of the photos, such as "Tropical Images from Hawaii." If the photographer created the photos for a particular client or project, the applicant may include that information in the title of the group, such as "Photos Taken for ABC Advertising Company." If the photographer shot several groups of photos for the same client or project and plans to submit a separate application for each group, the applicant may use the same title in each application followed by the phrase "Group 1 of 2," "Group 2 of 2," etc.

1114.6(D) Title and Publication Information for Each Photograph

As discussed in Section 1114.4(A), applicants must prepare and submit a list containing the title and file name for each photograph in the group. And in the case of published photographs, the list must specify the month and year of publication for each photo.

The U.S. Copyright Office encourages applicants to include the month, day, and year of publication, although the specific day on which a particular photograph was published is not required for purposes of registration. If the applicant does not include this information, the actual publication date may be need to be proven in court in the event that photo is infringed.

Likewise, applicants are encouraged – but not required – to enter this same information in the application itself. For step-by-step instructions on how to copy the information from the title list and paste it into the application, consult the help text and video tutorials that accompany each application.

If the applicant provides title and publication information in the application, that information will appear on the certificate of registration and in the online public record for the claim. This will improve the quality of the record by making this information more accessible to the public. If the registration is issued within five years after the publication of a particular photograph, the certificate will create a legal presumption that the photo was published in the month and year specified in that record. *See* 17 U.S.C. § 410(c).

If the applicant provides titles and publication information in the title list, but does not include that information in the application, that information will not appear on the certificate or the online public record (although the Office will keep a copy of the list in its files). In such cases, the registration specialist will add an annotation to the record, such as: "Regarding title: Deposit contains complete list of titles that correspond to the individual photographs included in this group."

1114.6(E) Number of Photographs in the Group

On the Title screen, the applicant should specify the total number of photographs that will be submitted with the claim. To do so, the applicant should select the appropriate number from the drop down menu marked "Number of Photos in Group." The U.S. Copyright Office will use this information to verify that the number of photos specified in the title list matches the number of files that have been received.

1114.6(F) Year of Completion

The applicant should identify the year that the photographs were created. This information should be provided on the Title screen in the Year of Completion field. If the photos were taken in the same year, the applicant should enter that year in the space provided. If the photos were taken over an extended period of time, the applicant should provide the year of creation for the most recent photo in the group. For example, if the photos were taken in 2016, 2017, and 2018, the applicant should state "2018."

1114.6(G) Earliest / Latest Publication Date

When registering a group of published photographs, the applicant must provide the date of publication for the earliest and most recent photos in the group. This information should be provided on the Title screen in the fields marked "Earliest Publication Date in Group" and "Latest Publication Date in Group."

NOTE: These fields only appear in the application for published photographs. They do not appear in the application for unpublished photographs.

The "earliest publication date" is the earliest date that the photos were published during the year specified in the application. The "latest publication date" is the most recent date that the photos were published during the year specified in the application. For example, if the photos were published in 2018 on March 1st, 2nd, and 3rd, the applicant should enter "03/01/2018" and "03/03/2018" in the spaces provided.

Example: Photos Published through the Authorized Distribution of One or More Copies of the Work

- Lois Lang is a commercial photographer. On February 26, 2018 she took 600 photos for her client's upcoming advertising campaign. On February 27th Lois sent an electronic proof sheet to her client, and stated that the images could not be used without her permission.

  On February 28th the client selected 30 photos for potential use in their advertising campaign. After retouching the images, Lois sent the client 5 digital prints on March 1st, 10 digital prints on March 2nd, and 15 digital prints on March 3rd. In each case, Lois gave her client a license to use these 30 photos for one year.

  On April 1st the client posted one of the photos on its website. On April 2nd the client used another photo in its social media feed. On April 3rd the client

used another photo in a billboard advertisement. (The rest of the photos were never used.)

These 30 photos were published when Lois sent a copy of each work to her client on March 1st, 2nd, and 3rd along with a license to use these images. The fact that the client used three of the photos on April 1st, 2nd, and 3rd (but did not use any of the others) is irrelevant to the publication status of the works.

Lois may register these 30 photos using the group registration option for published photographs. When completing the application, Lois should enter "03/01/2018" in the field marked "earliest publication date" and "03/03/2018" in the field marked "latest publication date."

NOTE: The rest of the photos on the electronic proof sheet have not been published yet. Although Lois sent her client a copy of these works, the client did not have permission to use those images. Thus, if Lois decided to register these photos, she should use the group registration option for unpublished photographs.

In all cases, the publication dates should be provided in "MM/DD/YYYY" format, and as discussed in Section 1114.1, the photos must be published in the same calendar year. If the applicant provides a different year in the "earliest" and "latest" fields, the claim will not be accepted by the electronic registration system.

If the exact date of publication is unknown, the applicant may provide a qualifying statement in the Note to Copyright Office field, such as "approximately," "on or about," "on or before," "not later than," or the like. The registration specialist will add this statement to the registration record with an annotation, such as: "Regarding publication: Application states 'earliest publication on or about April 13, 2017; latest publication not later than June 14, 2017.'"

1114.6(H) Nation of Publication

When registering a group of published photographs, the applicant should identify the country where the photos were published for the first time. The registration specialist may use this information to determine if the photos are eligible for copyright protection in the United States.

To identify the nation of publication, the applicant should select the appropriate country from the drop down menu on the Title screen. If the nation of publication is unknown, the applicant may select "not known." If the photographs were published in different countries, the applicant may provide that information in the application in the Note to Copyright Office field.

NOTE: The "Nation of First Publication" field only appears in the application for published photographs. It does not appear in the application for unpublished photographs.

1114.6(I) Identifying the Author of the Photographs

As discussed in Section 1114.1, all of the photographs must be created by the same author.

When an individual photographer shoots a photo, that person is generally considered the author of that work. However, when a photographer is hired to shoot a photo as a work made for hire, the person or organization that hired the photographer or the party that ordered or commissioned the photo is considered the author of that work.

1114.6(I)(1) Photos Shot by an Individual Photographer

If an individual photographer shot each photo in the group – and if the photographer *did not* shot those photos for another party as works made for hire – then the photographer should be named as the author. Specifically, the applicant should provide the photographer's full name on the Author screen in the fields marked "First Name/Last Name."

If the photographer is deceased, the applicant should provide the year that individual died. Providing the photographer's year of birth is optional, although this information may be useful in identifying the specific person who shot the photos. If the photographer's year of birth is given, it will be included in the online public record for the claim.

If the photographer's real name does not appear on any of the photos, and if the photographer does not want to reveal his or her identity in the registration record, the applicant may check the box marked "Anonymous" and leave the "First Name/Last Name" fields blank.

If the photographer's pseudonym appears on all the photos, and if the photographer does not want to reveal his or her real name in the registration record, the applicant may check the box marked "Pseudonymous" and provide the photographer's pseudonym in the "Pseudonym" field.

For a definition and discussion of anonymous and pseudonymous works, see Chapter 600, Sections 615.1 and 615.2.

1114.6(I)(2) Photos Created as Works Made For Hire

As discussed in Section 1114.1, a group of photographs may be registered as works made for hire (i) if all the photos were created for the same party, (ii) if that party is named as the author of each photo, and (iii) if all the photos are identified in the application as "works made for hire."

NOTE: If these requirements have been met, the photos may be registered together even if they were shot by different photographers.

If each photograph in the group is a work made for hire, then the party that hired the photographer or the party that ordered or commissioned the photos should be named

as the author of those works (rather than the photographer who actually shot each image).

For purposes of registration, a photograph is considered a work made for hire if it was shot by an employee acting within the scope of his or her employment. A photograph may also be considered a work made for hire if it was specially ordered or commissioned by a third party, if the photographer and the third party expressly agree in a writing signed by both parties that the photograph shall be considered a work made for hire, and if the photograph was specially ordered or commissioned for use as:

- A contribution to a collective work
- A part of a motion picture or other audiovisual work.
- Answer material for a test.
- Instructional text, which is defined as a photograph prepared for publication and with the purpose of use in systemic instructional activities.
- A supplementary work, which is defined as a photograph prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as pictorial illustrations or answer material for tests.

17 U.S.C. § 101 (definition of "work made for hire").

If the employer or commissioning party is an organization, the applicant should provide that entity's name on the Author screen in the field marked "Organization." If the employer or commissioning party is an individual, the applicant should provide that individual's name in the field marked "Individual." In both cases, the applicant should answer "yes" to the question "Is this author's contribution a work made for hire?"

NOTE: When registering a group of photos as works made for hire, there is no need to identify the individual photographer(s) who actually shot each image.

As discussed in Section 1114.6(K), an applicant may register a group of photographs if the claimant obtained all of the exclusive rights in those works through a transfer of ownership. But an applicant may not combine photos created as works made for hire with photos obtained through a transfer of ownership. For example, if an advertising agency hired a photographer to create a group of photos, and if the agency acquired another group of photos taken by the same photographer through an assignment of copyright, the agency would have to separate those photos into two groups and submit a separate application for each group: One application naming the advertising agency as the author with the work made for hire question answered "yes," and the other with the photographer named as the author, an appropriate transfer statement, and the work made for hire question answered "no."

1114.6(I)(3) The Author's Country of Citizenship or Domicile

In all cases, the applicant should identify the author's country of citizenship and/or domicile. The registration specialist may use this information to determine if the photos are eligible for copyright protection in the United States.

To do so, the applicant should select the name of the relevant country from the drop down menus on the Author screen. If the author's nationality or domicile are unknown, the applicant may select "not known."

For a definition and discussion of nationality and domicile, see Chapter 600, Section 617.

1114.6(J) Identifying the Copyrightable Material that the Author Created

In all cases, the claim will be limited to "photographs" and that term will be added automatically to the application by the electronic registration system. The system will not accept claims in "digital editing," "compilation," or any other form of authorship other than "photographs." Likewise, applicants will not be allowed to add other forms of authorship to the claim during the examination process or with a supplementary registration.

NOTE: To assert a claim in "digital editing" applicants may submit a separate application and a separate filing fee for each photograph (rather than submitting a group of photographs under GRUPH or GRPPH). In appropriate cases, applicants may assert a claim in a "compilation" of photographs by registering them as part of a collective work, such as a book of photographs, an exhibition catalog, a calendar, or the like.

1114.6(K) Identifying the Copyright Claimant

To register a group of photographs, the applicant should provide the name and address of the copyright claimant. *See* 17 U.S.C. § 409(1). As discussed in Section 1114.1, the claimant for all the photos must be the same person or organization.

For purposes of copyright registration, the claimant must be (i) the author of the photos, or (ii) the person or organization that owns all of the rights under copyright that initially belonged to the author. *See* 37 C.F.R. § 202.3(a)(3).

When naming the author as the copyright claimant, the applicant should provide the author's name and address on the Claimants screen. This information should be provided in the field marked "Individual Claimant" if the author is an individual photographer, or if the photos were created for an individual as a work made for hire. If the photos were created for a legal entity, this information should be provided in the field marked "Organization."

Alternatively, the applicant may provide the name and address of the person or organization that owns the copyright in all of the photos.

If the author and the claimant are not the same person or entity, the applicant should provide a brief statement that explains how the claimant obtained ownership of the copyright. To do so, the applicant should select one of the statements listed in the drop

down menu marked Transfer Statement. If these statements do not fully describe the transfer, the applicant may provide a more specific statement in the field marked Transfer Statement Other. The total amount of text that may be provided in this field is limited to 100 characters.

For additional guidance on completing the claimant fields, see Chapter 600, Section 619.12. For guidance on completing the transfer fields, see Chapter 600, Section 620.9.

1114.6(L) Rights and Permissions Information

The applicant may provide the name, address, and other contact information for the person and/or organization who should be contacted for permission to use the photographs. Providing this information is optional, and an application will be accepted even if the Rights & Permissions Information screen is left blank.

For guidance in completing this portion of the application, see Chapter 600, Section 622.1.

1114.6(M) Correspondent / Mailing Address for the Certificate of Registration

The applicant should provide the name, email address, telephone number, fax number (if any), and mailing address for the person or persons who should be contacted if the U.S. Copyright Office has questions or concerns regarding the application. This information should be provided on the Correspondent screen.

In addition, the applicant should provide the name and address where the certificate of registration should be sent. This information should be provided on the Mail Address screen.

For guidance in completing this portion of the application, see Chapter 600, Sections 622.2 and 622.4.

1114.6(N) Special Handling

Special handling is a procedure for expediting the examination of an application. The U.S. Copyright Office offers this service in certain circumstances where a copyright owner or other interested parties have a compelling reason for the expedited issuance of a certificate of registration. The Office charges an additional fee for this service.

For a detailed discussion of this procedure, see Chapter 600, Section 623.

1114.6(O) Certification

The application must be certified by the author, the copyright claimant, an owner of one or more of the exclusive rights in the photographs, or a duly authorized agent of the author, claimant, or owner of one or more of the exclusive rights in the photos.

The person who certifies the application certifies that the information provided in the application is correct to the best of his or her knowledge. Knowingly making a false

representation of a material fact in an application, or in any written statement filed in connection with the application, is a crime that is punishable under 17 U.S.C. § 506(e).

When completing the Certification screen, the applicant should provide the first and last name of the individual who certified the application in the space marked Name of Certifying Individual. In addition, the applicant should check the box that reads, "I certify that I am the author, copyright claimant, or owner of exclusive rights, or the authorized agent of the author, copyright claimant, or owner of exclusive rights of this work and that the information given in this application is correct to the best of my knowledge." There is no need to date the certification; the date will be added automatically when the application is received. 37 C.F.R. § 202.3(c)(3)(iv).

As discussed in Section 1114.6(A), the applicant must prepare and submit a list containing the title and file name for each photograph in the group. The file name for this list should be entered in the space provided on the Certification screen. The U.S. Copyright Office will use this information to connect the list with the relevant application and to distinguish it from the digital copies of the individual photos.

1114.7 Photographs That Do Not Satisfy the Group Registration Requirements for GRUPH or GRPPH

If the applicant is unable to use these group registration options, it may be possible to register the photographs using the group registration options for unpublished works or contributions to periodicals. *See* Sections 1106 and 1110.

Alternatively, the applicant may register a particular photograph on an individual basis. Specifically, the applicant may prepare a separate application, filing fee, and deposit for each photograph and may submit these items through the electronic registration system or with a paper application. For guidance on registering an individual photograph, see Chapter 900, Section 909.

1115 [Reserved]

1116 Serials, Newspapers, and Newsletters at a Glance

This Section provides an overview of the similarities and differences between the group registration options for serials, newspapers, and newsletters.

For information concerning the specific requirements for these group registration options, see Sections 1107 (serials), 1108 (newspapers), and 1109 (newsletters).

Group Registration Requirements	Serials	Newspapers	Newsletters
Type of work	Each issue must be a serial, as defined in Section 1107.1	Each issue must be a newspaper, as defined in Section 1108.1	Each issue must be a newsletter, as defined in Section 1109.1

Group Registration Requirements	Serials	Newspapers	Newsletters
Collective work	Each issue must be a collective work	Each issue must be a collective work	Each issue may be a collective work or a serial that does not qualify as a collective work
Are the issues new?	Each issue must be an all-new collective work	Each issue must be an all-new collective work	Each issue must be all-new collective work or an all new issue that has not been published before
Publication	Each issue must be published	Each issue must be published	Each issue must be published
Frequency of publication	The serial generally must be published at intervals of a week or longer	n/a	n/a
Number of issues in the group	The group must include at least two issues	The group must include all the issues published within the calendar month specified in the application	The group must include at least two issues published during the calendar month specified in the application
Number of months covered by the group	The group may include up to three months of issues	All the issues must be published within the same calendar month	All the issues must be published within the same calendar month
Publication within the same calendar year	All the issues must be published within the same calendar year	All the issues must be published within the same calendar year	All the issues must be published within the same calendar year
Title	All the issues must be published under the same title	All the issues must be published under the same title	All the issues must be published under the same title

Group Registration Requirements	Serials	Newspapers	Newsletters
Author	The author for all the issues must be the same person or organization	The author for all the issues must be the same person or organization	The author for all the issues must be the same person or organization
Claimant	The claimant for all the issues must be the same person or organization	The claimant for all the issues must be the same person or organization	The claimant for all the issues must be the same person or organization
Work made for hire	Each issue must be a work made for hire	Each issue must be a work made for hire	Each issue may be created by an individual author or they may be created as a work made for hire
Claim to copyright	The claim to copyright must be limited to the collective work	The claim in each issue must be limited to the collective work	The claim to copyright may include the authorship involved in creating the newsletter as a whole and the authorship involved in creating the contributions to the newsletter
Application requirements	The applicant must use the online application designated for a group of serial issues.	The applicant must use the online application designated for a group of newspaper issues	The applicant must use the online application designated for a group of newsletter issues
Deposit copies	The applicant must submit one complete copy of each issue. Each issue must be uploaded in a digital format, and each file must be uploaded to the electronic registration system	The applicant must submit one complete copy of each issue, each issue must be submitted in a digital format, and each file must be uploaded to the electronic registration system	The applicant must submit one complete copy of each issue, each issue must be submitted in a digital format, and each file must be uploaded to the electronic registration system

1117 Photographs at a Glance

The following chart provides an overview of the similarities and differences between the group registration options for unpublished photographs, published photographs, contributions to periodicals, photographic databases, and unpublished works. For an in-depth discussion of these issues, see Group Registration of Photographs, 81 Fed. Reg. 86,643, 86,653-54 (Dec. 1, 2016).

For information concerning the specific requirements for these group registration options, see Sections 1106, 1110, 1112, and 1114.

Registration Requirements	Group Registration of Unpublished Photographs	Group Registration of Published Photographs	Group Registration of Contributions to Periodicals	Group Registration of Photographic Databases	Group Registration of Unpublished Works
Type of work	Each work must be a photograph	Each work must be a photograph	The claim may include literary works or visual art works, such as photographs	The database may include photographs and other types of content	The claim may include any type of work, but they must be the same type of work (*e.g.*, six short stories, not two short stories, two poems, and two songs)
Application requirements	The applicant must use the online application designated for group registration of unpublished photographs	The applicant must use the online application designated for group registration of published photographs	The applicant must submit the online application designated for group registration of contributions to periodicals	The applicant may use a paper application, or may use the online application with prior authorization from the Visual Arts Division	The applicant must use the online application designated for group registration of unpublished works
Number of photographs in the application	The applicant may include up to 750 photographs in the group.	The applicant may include up to 750 photographs in the group.	No limit on the number of works that may be included in the group	No limit on the number of photographs that may be included in the group	The applicant may include up to ten works in the group

Registration Requirements	Group Registration of Unpublished Photographs	Group Registration of Published Photographs	Group Registration of Contributions to Periodicals	Group Registration of Photographic Databases	Group Registration of Unpublished Works
Author	All the photographs must be created by the same author	All the photographs must be created by the same author	All the works must be created by the same individual author	The photographs do not have to be created by the same author	All the works must be created by the same author or the same co-authors
Claimant	The claimant for all the photographs must be the same person or organization	The claimant for all the photographs must be the same person or organization	The claimant for all the works must be the same person or organization	The claimant for all the photographs must be the same person or organization	The claimant for all the works must be the same person or organization
Work made for hire	The photographs may be created as a work made for hire	The photographs may be created as a work made for hire	The works cannot be created as a work made for hire	The photographs may be created as a work made for hire	The works may be created as a work made for hire
Publication	All the photographs in the group must be unpublished	All the photographs in the group must be published	All the works must be published	All the photographs must either be published or unpublished	All the works must be unpublished

Registration Requirements	Group Registration of Unpublished Photographs	Group Registration of Published Photographs	Group Registration of Contributions to Periodicals	Group Registration of Photographic Databases	Group Registration of Unpublished Works
Publication within a twelve-month period	n/a	All the photographs must be published within the same calendar year (*e.g.,* January through December 2011; February through June 2012; September through October 2013, etc.)	All the works must be published within a twelve-month period (*e.g.*, January 1, 2010 through December 31, 2010; February 1, 2011 through January 31, 2012; September 15, 2013 through September 14, 2014, etc.)	All the photographs must be unpublished, or they must be published within a three-month period within the same calendar year	n/a
Date of publication	n/a	Applicant must provide the month, day, and year of publication for the earliest and most recently published photos in the group, and the month/year of publication for the rest of the photos	Applicant must provide the month, day, and year of publication for each work	*See* Section 1112.8(D)	n/a
Medium of publication	n/a	The photographs may be first published in any medium	All the works must be first published as a contribution to a periodical	The photographs must be fixed or published solely in the form of machine-readable copies	n/a

Registration Requirements	Group Registration of Unpublished Photographs	Group Registration of Published Photographs	Group Registration of Contributions to Periodicals	Group Registration of Photographic Databases	Group Registration of Unpublished Works
Deposit requirements	One digital copy of each photograph	One digital copy of each photograph	One digital copy of (i) the specific page(s) from the periodical where the contribution was first published, or (ii) the entire section of the newspaper where the contribution was first published, or (iii) one digital copy of the entire periodical where the contribution was first published	*See* Section 1112.7(B)	One digital copy of each work
Deposit submission	Copies may be uploaded to the electronic registration system or submitted on a physical storage device	Copies may be uploaded to the electronic registration system or submitted on a physical storage device	Copies must be uploaded to the electronic registration system	Copies may be uploaded to the electronic registration system or submitted on a physical storage device	Copies must be uploaded to the electronic registration system