

Post-Registration Procedures

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Post-Registration Procedures

1801 What This Chapter Covers

This Chapter sets forth the practices and procedures for modifying the registration record for a [claim](#) after the U.S. Copyright Office has issued a [certificate of registration](#). The topics discussed in this Chapter include:

- Correcting or amplifying the information in a copyright registration.
- Cancelling a copyright registration.
- Asserting an adverse claim to copyright.

For a discussion of the procedure for abandoning a registration, see [Chapter 2300](#), Section 2311. For a discussion of the procedure for recording [transfers](#) or other documents pertaining to copyright, see [Chapter 2300](#), Section 2309.

1802 Supplementary Registration: Correcting or Amplifying the Information in a Registration

A [supplementary registration](#) is a special type of registration that may be used “to correct an error in a copyright registration or to amplify the information given in a registration.” [17 U.S.C. § 408\(d\)](#).

A supplementary registration identifies an error or omission in a [basic registration](#) and places the correct information or additional information in the public record. Supplementary registrations may be used only to correct or amplify limited issues involving certain types of registrations, which are listed in Section 1802.3 below. *Id.*; [37 C.F.R. § 201.5](#).

When the U.S. Copyright Office issues a supplementary registration, it does not cancel or replace the basic registration or the registration number for that registration. Likewise, the Office will not change the information set forth in the basic registration or the public record for that registration. Instead, the Office assigns a separate registration number and [effective date of registration](#) to the supplementary registration. The basic registration and the supplementary registration coexist with each other in the public record, and the supplementary registration augments — but does not supersede — the information set forth in the basic registration. [17 U.S.C. § 408\(d\)](#); [37 C.F.R. § 201.5\(d\)\(2\)](#).

1802.1 Who May File an Application for a Supplementary Registration?

The following parties may correct or amplify the information in a registration record:

- An author of the work.
- Any other party who is entitled to be named as a [copyright claimant](#) (*i.e.*, a copyright owner who owns all of the rights that initially belonged to the author).
- An owner of one or more — but less than all — of the [exclusive rights](#) in the work.
- A duly [authorized agent](#) of any of the foregoing parties.

[37 C.F.R. § 201.5\(b\)\(1\)](#). No other party may file an application for supplementary registration.

If the application for supplementary registration was submitted by or on behalf of the copyright claimant named in the basic registration, the Office will cross-reference the records for the supplementary registration and the basic registration. [37 C.F.R. § 201.5\(b\)\(1\) n.1](#). Specifically, the Office will place a note in the public record for the basic registration that identifies the registration number and the [effective date of registration](#) for the supplementary registration. In addition, the Office will place a note in the public record for the supplementary registration that identifies the registration number and the year of registration for the basic registration. The cross-references are intended to notify any person who searches the Office's records that the [claimant](#) named in the basic registration asked the Office to correct or amplify the information set forth in the basic registration and that the records for both the basic registration and the supplementary registration should be consulted.

If the application for supplementary registration was submitted by or on behalf of any other party, the records will not be cross-referenced with each other.

If there is no clear relationship between the applicant and the parties named in the basic registration, the Office may ask the applicant to submit a sworn declaration or other evidence demonstrating that the applicant is an author of the work, a party who is entitled to be named as a copyright claimant, an owner of one or more of the exclusive rights in the work, or an authorized agent of one of the foregoing parties. If the applicant's [claim](#) appears to be implausible, the Office may decline to issue a supplementary registration, and if appropriate, may suggest that the applicant assert an adverse claim by submitting a new application for a new basic registration.

1802.2 When May an Application for a Supplementary Registration Be Filed?

An application to correct or amplify the information set forth in a basic registration may be filed at any time after the registration has been issued by the U.S. Copyright Office and at any time before the copyright has expired.

1802.3 Records That May Be Corrected or Amplified with a Supplementary Registration

A supplementary registration may be used to correct or amplify the information set forth in the following types of registrations:

- Any basic registration issued on or after January 1, 1978 (including [group registrations](#)).
- A [renewal registration](#) for a work that was registered or first [published](#) on or before December 31, 1977.

See [37 C.F.R. § 201.5\(a\)\(1\)\(i\)](#). A supplementary registration may be used to correct or amplify the information in one basic registration or one renewal registration. The U.S. Copyright Office will not issue a supplementary registration that attempts to correct or amplify the information set forth in multiple registrations. However, there is no limit on the number of supplementary registrations that may be issued and cross-referenced with a basic registration or a renewal registration.

1802.4 **Records That Cannot Be Corrected or Amplified with a Supplementary Registration**

A supplementary registration cannot be used to correct or amplify the following types of records:

Pending applications: The U.S. Copyright Office will not issue a supplementary registration to correct or amplify the information in a pending application. If the applicant discovers an error or omission in a pending application, the applicant should not file an application for supplementary registration. Instead, the applicant should contact the Office in writing (www.copyright.gov/help/index.html#general), or if the applicant receives a communication from a [registration specialist](#) concerning a pending application, the applicant should notify the specialist if the application is incorrect or incomplete.

Applications that have been withdrawn or rejected: The Office will not issue a supplementary registration for an application that has been withdrawn by the applicant or rejected by the Office.

The online public record: The Office will not issue a supplementary registration to correct an error that appears only in the online public record for a particular registration. If there is an error in the [online public record](#) that does not appear in the [certificate of registration](#), the author, the [claimant](#), or one of the other parties listed in Section 1802.1 should contact the Office in writing (www.copyright.gov/help/general-form.html), instead of filing an application for supplementary registration. This is known as an error correction request. If the Office receives an application for a supplementary registration to correct a cataloging error made by the Office that appears only in the online public record, the Office will attempt to correct the error and will refund the [filing fee](#) without issuing a supplementary registration.

NOTE: Some entries in the online public record cannot be changed due to the current limitations of the electronic registration system. For example, the system cannot accept diacritical marks used in Spanish, French, German, or other foreign languages, such as ç, à, ñ, or ü.

Basic registrations that are expired: The Office will not issue a supplementary registration for a basic registration that has expired, such as a registration issued on or before December 31, 1977 that covered the first twenty-eight years of the copyright term.

Basic registrations that have been cancelled or abandoned: The Office will not issue a supplementary registration for a basic registration that has been cancelled or abandoned.

Previous supplementary registrations: A supplementary registration cannot be used to correct or amplify the information in another supplementary registration. If the information in the basic registration is correct and if the Office previously issued a supplementary registration to address a purported error in that registration, the author, the claimant, or any of the other parties listed in Section 1802.1 may prepare a declaration or affidavit stating that the information set forth in the basic registration is correct and stating that the information set forth in the supplementary registration is incorrect. The statement may be recorded with the Office using the procedures described in [Chapter 2300](#), Section 2309.

Preregistrations: The Office will not issue a supplementary registration for a [preregistration](#) made under [Section 408\(f\)](#) of the Copyright Act. If there is an error or omission in a preregistration, the author, the claimant, or any of the other parties listed in Section 1802.1 may submit a new application for a new preregistration that contains the correct or missing information. If the work has been completed, the applicant may submit an application for a basic registration that contains the correct or missing information. For a detailed discussion of preregistration, see [Chapter 1600](#).

Certificates of registration for mask works: A supplementary registration cannot be used to correct or amplify the information in a registration for a mask work. *See* [37 C.F.R. § 211.4\(f\)](#). However, if the Office made an error or omission in preparing the certificate, the Office will correct the mistake and will issue a new certificate to the correspondent named in the certificate. For additional information concerning this procedure, see [Chapter 1200](#), Section 1216.

Certificates of registration for vessel designs: A supplementary registration cannot be used to correct or amplify the information in a registration for a [vessel design](#). If the Office made a clerical or typographical error in preparing the certificate of registration for a vessel design, the owner of the vessel design should contact the Office in writing (www.copyright.gov/help/general-form.html). If appropriate, the Office will correct the error and will issue a new certificate to the correspondent named in the certificate. If the applicant made a clerical or typographical error in the application for registration, the owner of the registered design or its duly [authorized agent](#) may submit an application for a certificate of correction using Form DC. *See* [37 C.F.R. § 212.8\(a\)\(3\), \(c\)\(2\)](#). The procedure for correcting errors in a registration for a vessel design is similar to the procedure for supplementary registration, except that the Office will issue a certificate of correction only in cases involving clerical or typographical errors. *See* [Correction of Errors in Certificates of Registration of Vessel Hull Designs, 71 Fed. Reg. 46,402, 46,402 \(Aug. 14, 2006\)](#). For additional information concerning this procedure, see [Chapter 1300](#), Section 1317.

Recorded documents: A supplementary registration cannot be used to correct the information set forth in a document that has been recorded with the Office. For a discussion of the proper procedure for correcting an error in a recorded document, see [Chapter 2300](#), Section 2308.

1802.5 What Type of Information May Be Corrected or Amplified with a Supplementary Registration?

Supplementary registrations may be used for certain types of corrections and amplifications. A registration may be “corrected” if “information in the basic registration was incorrect at the time that basic registration was made, and the error is not one that the Copyright Office itself should have recognized.” [37 C.F.R. § 201.5\(b\)\(2\)\(i\)](#). A registration may be “amplified” in order to “supplement or clarify the information that was required by the application for the basic registration and should have been provided, such as the identity of a co-author or co-claimant, but was omitted at the time the basic registration was made.” *Id.* [§ 201.5\(b\)\(2\)\(ii\)](#). A registration may also be “amplified” in order to “reflect changes in facts, other than those relating to [transfer](#), [license](#), or ownership of rights in the work, that have occurred since the basic registration was made.” *See id.*

For representative examples of situations where a supplementary registration can and cannot be used to correct or amplify the information in a basic registration, see Sections 1802.6 and 1802.7.

1802.6 Supplementary Registration Appropriate

This Section provides representative examples of situations where a supplementary registration may be used to correct or amplify the information in a basic registration.

1802.6(A) Minor Errors in the Basic Registration

The U.S. Copyright Office will issue a supplementary registration even if the error in the basic registration is extremely minor, such as a typographical mistake or missing article such as “a,” “an,” or “the.” However, in most cases it is not necessary to correct minor errors in a basic registration, particularly if the correct or missing information appears elsewhere in the registration record.

1802.6(B) Change in Name or Address

A supplementary registration may be used to correct spelling errors or similar mistakes in the author’s name, the [claimant’s](#) name, or any other name that appears in the registration record. Likewise, a supplementary registration may be used to reflect a change in a name or address that appears in the basic registration (although it cannot be used to remove that information from the original record).

Examples:

- The U.S. Copyright Office issued a basic registration for a [sound recording](#) naming Dean Jonson as the author of the work. The

author's name should have been spelled Dean Johnson. The error may be corrected with a supplementary registration.

- The Office issued a basic registration for a technical drawing. The [certificate of registration](#) names Richard Oxley as the author of this work, but the name given on the [deposit copy](#) is Richard Drummond Oxley. Richard may add his middle name to the registration record with a supplementary registration.
- In 2001 Kara King submitted an application to register a painting. Kara got married in 2011 and changed her name to Kara Mitchell. Kara's married name may be added to the registration record with a supplementary registration.
- In 2008 Bethany Rolling registered a sound recording, naming herself as the author and copyright claimant. At the time Bethany was living in Damascus, Maryland, and she provided her home address in the Name of Claimant field and the Rights and Permissions field. Three years later Bethany moved to Providence, Rhode Island. Bethany may add her new address to the registration record with a supplementary registration.

1802.6(C) Title of the Work

An error concerning the title of the work may be corrected with a supplementary registration. Specifically, a supplementary registration may be used to correct the title of the work, to add a subtitle, a previous or alternative title, or a contents title that was not provided in the application for the basic registration, or to reflect a change in the title that has occurred since the basic registration was made.

Examples:

- Richard Maguire registered a [sound recording](#). The title given in the [certificate of registration](#) is "I'll Love You," but the title given on the [deposit copy](#) is "I'll Love You (Forever)." Richard may add the longer title to the registration record with a supplementary registration.
- Carrie Murtagh registered the first draft of her short story. At the time, she had not decided on the title for the story, so she entered "A Warped Frustrated Old Man (Working Title)" in the Title field. Three months later Carrie [published](#) her story under the title "Potter's Field." Carrie may add the new title to the registration record with a supplementary registration, or preferably, by registering the published version of her story and listing the prior title in the Previous or Alternative Title field.
- Adams Baker & Co. submitted a compact disc that contains a dozen sound recordings. The company registered this CD as

an [unpublished collection](#), but failed to provide the titles of the recordings that appear on the CD. The title of each recording may be added to the registration record with a supplementary registration.

- RealtyTrack registered a database that contains thousands of real estate listings and photographs of the properties described therein. The company provided the title of the database as a whole, but failed to provide the titles for the individual photographs. The title of each photograph may be added to the registration record with a supplementary registration.

1802.6(D) Author(s) of the Work

A supplementary registration can be used to correct an error or omission in a basic registration involving the author(s) of the work. *See* [37 C.F.R. § 201.5\(b\)\(2\)\(ii\)\(A\)](#).

If two or more authors created the work and some of the authors were not named in the basic registration, the names of the missing authors may be added to the registration record with a supplementary registration. The [registration specialist](#) may ask the applicant to provide documentation confirming that the other authors contributed [copyrightable](#) material to the work if the other authors are not listed in the [deposit copy\(ies\)](#), if there does not appear to be any connection between the other authors and the authors named in the basic registration, or if there is any other reason to question the application. In addition, the specialist may ask the applicant to provide a [transfer statement](#) in the application for supplementary registration if a similar statement would have been required if the other authors had been named in the application for the basic registration.

The author's real name may be added to the registration record with a supplementary registration if the applicant provided a [pseudonym](#) in the application for the basic registration or if the basic registration states that the author is [anonymous](#). For a discussion of anonymous and pseudonymous works, see [Chapter 600](#), Sections 615.1 and 615.2.

If the wrong author is named in the basic registration, the correct name may be added to the registration record with a supplementary registration, provided that the application is filed by one of the parties listed in Section 1802.1. In addition, a statement may be added to the registration record to clarify that the person named in the basic registration is not, in fact, the author of the work (although that name cannot be removed from the original record). In some cases, the registration specialist may ask the applicant to provide a declaration or other supporting evidence confirming that the information set forth in the application for supplementary registration is correct.

Examples:

- Anne Duquesne and Phillip Craig are listed on the deposit copy as co-authors of a ballad titled "Together Forever." Anne registered the song, naming herself as the sole author and [claimant](#) of this work.

Anne may add Phillip’s name to the registration record with a supplementary registration.

- The U.S. Copyright Office issued a basic registration for a mash-up video. The [certificate of registration](#) states that the work was created by an author who uses the pseudonym, “Garrett London.” The author may add his real name to the registration record by submitting an application for a supplementary registration.
- The Office registered a children’s book, which was written by Sean Gladhill and illustrated by Dawn Bradley. Sean registered the work naming himself as the sole author and claimant of the “text.” Sean attempts to add Dawn’s name to the registration record with a supplementary registration. The registration specialist retrieves the deposit copy from the Library of Congress. The specialist will communicate with the applicant, because the copyright [notice](#) states “Text © Sean Gladhill and Artwork © Dawn Bradley” which suggests that Sean owns the text and Dawn owns the artwork. If it is determined that the text and the artwork are jointly owned, the specialist may issue a supplementary registration. However, if the text and the artwork are separately owned, the supplementary registration will be refused. Instead, Dawn should submit a new application for a new basic registration naming herself as the sole author and copyright claimant for the artwork.
- Image Stock LLC registered a [database](#) that contains photographs taken by hundreds of photographers. The basic registration stated that the photographs were created by “Brad Matthews, Adam Anderson, and 257 others.” The names of the other authors may be added to the registration record with a supplementary registration.

1802.6(E) Work Made for Hire

If the applicant failed to complete the [work made for hire](#) section of the application for basic registration, that information may be added to the registration record with a supplementary registration. Likewise, if the basic registration erroneously states that the work is (or is not) a work made for hire, the correct information may be added to the registration record with a supplementary registration.

In all cases, this determination should be based on the facts that existed at the time when the basic registration was made. In some cases, a new [transfer statement](#) may be required if the author named in the application for supplementary registration and the [claimant](#) named in the basic registration are not the same.

Examples:

- Jessica Fineman is a professional songwriter. She formed a closely held corporation to manage her financial portfolio and she routinely assigns her copyrights to this entity for tax purposes. In 1978

Jessica registered a song titled “Termination Nation.” She named Jessica Fineman, Inc. as the author and [copyright claimant](#) and she checked the box indicating that the song was created as a work made for hire. In 2013 Jessica submits an application for supplementary registration stating that she should have named herself as the author of this song and the work made for hire box should have been checked “no,” because she did not write this work as an employee of Jessica Fineman, Inc. Jessica also provides the transfer statement “by written agreement” to explain that she assigned the copyright in this song to her closely held corporation. The [registration specialist](#) will issue the supplementary registration.

- Julian Chariot is an amateur songwriter. In 2000 he registered a song titled “Trust Me.” Julian named himself as the author and claimant, but mistakenly checked the work made for hire box “yes,” because he assumed that this is the best way to tell the world that he wants to be hired as a songwriter. In 2013, Julian submits an application for a supplementary registration stating that the work made for hire box should have been checked “no.” The registration specialist will issue the supplementary registration.

1802.6(F) Copyright Claimant(s)

A supplementary registration may be used to correct an error in the basic registration involving the [copyright claimant](#). It may also be used to add the name of a co-claimant who should have been listed in the application for a basic registration (regardless of whether the co-claimant is — or is not — a co-author of the work). See [37 C.F.R. § 201.5\(b\)\(2\)\(ii\)\(A\)](#).

In all cases, this determination should be based on the facts that existed at the time when the basic registration was made. As discussed in Section 1802.7(B), information about a [claimant](#) or co-claimant who acquired the copyright after that date cannot be added to the registration record with a supplementary registration. See [Corrections and Amplifications of Copyright Registrations; Applications for Supplementary Registration, 63 Fed. Reg. 59,235, 59,235 \(Nov. 3, 1998\)](#). Recording a [transfer](#) or other document pertaining to copyright is the only means for adding subsequent information to the registration record.

If the copyright was co-owned by two or more parties when the application for the basic registration was submitted to the U.S. Copyright Office and if one or more of those co-owners was not listed in the basic registration, their name(s) may be added to the registration record with a supplementary registration. In some cases, the applicant may be asked to provide a [transfer statement](#) in the application for supplementary registration or other documentation if a similar statement would have been required if the other co-owner(s) had been named in the application for the basic registration.

If an author of the work was listed in the basic registration as an author, but not as a [copyright claimant](#), the author’s name may be added as a [claimant](#) to the registration record with a supplementary registration. In the alternative, the author may file a new

application for a new basic registration that names the author as the copyright claimant. *See* Section 1803.

If the wrong claimant was named in the basic registration, the correct name may be added to the registration record with a supplementary registration, provided that the application is filed by one of the parties listed in Section 1802.1. In addition, a statement may be added to the registration record to clarify that the name provided in the basic registration is incorrect (although that name cannot be removed from the basic registration). In some cases, the [registration specialist](#) may ask the applicant to provide a declaration or other supporting evidence confirming that the information set forth in the application for supplementary registration is correct.

Examples:

- Tracey Ebert and Karen Colby co-wrote a screenplay titled *Hair Force One*. On July 1, 2006 Karen assigned her share of the copyright to Graffiti Studios. On July 31, 2006 Tracey submitted an application to register the screenplay, naming herself as the sole copyright claimant. Tracey may file an application for supplementary registration naming Graffiti as a co-claimant. Tracey should provide a transfer statement that explains how the company obtained the copyright in this work. In addition, the registration specialist may ask Tracey to submit additional documentation concerning this transfer.
- Kris Anderson and Karina Ramsey registered the songs “Be the Best” and “Hornet’s Nest,” which were [published](#) on the album *Falling in Love in a Small Town*. The basic registration named Kris and Karina as the co-authors and co-claimants for these works. In fact, Kris is the sole author and owner of “Be the Best,” and Karina is the sole author and owner of “Hornet’s Nest.” If the U.S. Copyright Office had been aware of this when the application was filed, it would have asked the applicant to exclude one of these songs from the application. “Be the Best” or “Hornet’s Nest” may be removed from the registration record with a supplementary registration that deletes the title of the work and removes Kris’s or Karina’s name from the Author/Claimant fields. The song that has been removed from the registration record may be registered separately by filing a new application for a new basic registration that names the correct individual as the author and owner of that song.

1802.6(G) Year of Completion

An error involving the year of completion may be corrected with a supplementary registration. However, the year given in the application for supplementary registration must be the same as — or earlier than — the year given as the [effective date of registration](#) for the basic registration. Likewise, if the work has been [published](#), the year of completion given in the application for supplementary registration must be the same as — or earlier than — the date of first publication given in the basic registration.

1802.6(H) Citizenship, Domicile, and Nation of First Publication

If there is an error in the basic registration concerning the author's citizenship/domicile or the nation of first [publication](#), the correct information may be added to the registration record with a supplementary registration. In all cases, this determination should be based on the facts that existed at the time when the basic registration was made.

If the work does not appear to be eligible for copyright protection in the United States based on the information provided in the application for supplementary registration, the [registration specialist](#) will communicate with the applicant. If the specialist determines that the work was not eligible for copyright protection at the time the basic registration was made, the application for supplementary registration may be refused and the basic registration may be cancelled. *See* Section 1802.9(H).

1802.6(I) Publication Issues

As a general rule, an error involving the date of [publication](#) for the work may be corrected with a supplementary registration. In all cases, this determination should be based on the facts that existed at the time when the basic registration was made.

For instance, if the applicant mistakenly provided a date of publication for a work that has not been published, a statement may be added to the registration record to clarify that the work is actually [unpublished](#). If the applicant provided the wrong date of publication in the application for basic registration, the correct date may be added to the registration record with a supplementary registration. However, the [registration specialist](#) may ask the applicant to confirm that the [deposit copies](#) submitted with the application for the basic registration are identical to the first published edition of that work.

Examples:

- Olivia Morland created a fabric design for her line of t-shirts. In the application for basic registration, Olivia stated that the design was first published on May 31, 2011, but in fact, she began selling her t-shirts on April 1, 2011. Olivia may add the correct date of publication to the registration record with a supplementary registration. The specialist may communicate with Olivia to confirm that the deposit copies submitted with the application for the basic registration are the copies that were first published on April 1, 2011.
- Brigitte Byrne is the author of a [choreographic work](#) that debuted at the Kennedy Center on September 15, 2010. The next day she filed an application to register her work with the U.S. Copyright Office. In her application, Brigitte stated that work was published on September 15, 2010, because she mistakenly assumed that a public performance constitutes publication. Brigitte may correct this mistake by filing an application for a supplementary registration stating that the work is, in fact, unpublished.

In some cases an error involving the publication of the work cannot be corrected with a supplementary registration. Instead, the applicant must submit a new application for a

new basic registration. These types of publication issues are discussed in Section 1802.7(C).

1802.6(J) The Claim to Copyright

A supplementary registration may be used to correct or amplify the [claim](#) that has been asserted in the basic registration. Specifically, it may be used to correct or amend the information that appears on the [certificate of registration](#) in the fields/spaces marked Author Created, Limitation of Copyright Claim, [Nature of Authorship](#), and/or Material Added to This Work. If the specialist determines that the authorship described in the application for supplementary registration is not registrable, he or she may communicate with the applicant and may refuse to issue a supplementary registration.

Examples:

- Deanna Mueller registered an [unpublished](#) journal, naming herself as the author of the “text.” Deanna would like to add a claim in “illustrations” to the registration record. The [registration specialist](#) will retrieve the [deposit copy](#) from the Office’s files to determine if Deanna contributed a sufficient amount of artwork to this work. If so, the specialist will issue a supplementary registration.
- Todoroff Designs registered a cookbook. The basic registration identifies the New Material Included in the claim as “text, two-dimensional artwork” and the Material Excluded from this claim as “text, two-dimensional artwork.” Todoroff submits an application for supplementary registration to clarify that this is the eighth edition of this cookbook and that the company intended to register the text and artwork that appears on pages 2, 12, and 60-82 of this edition. The registration specialist will retrieve the deposit copy to determine if these pages contain a sufficient amount of new [copyrightable](#) authorship. If so, the specialist will issue a supplementary registration.
- Bennett James registered an unpublished album titled *The Black Dossier*. The basic registration states that the author created “music, lyrics, and musical arrangement.” Bennett submits an application for supplementary registration stating that he created the artwork that appears on the album cover. The registration specialist retrieves the deposit copy from the Office’s files and determines that the artwork merely consists of the title of the album superimposed on a black background. The specialist will refuse to issue a supplementary registration, because the artwork that appears on the album is not copyrightable.

1802.7 Supplementary Registration Inappropriate

This Section provides representative examples of situations where a supplementary registration cannot be used to correct or amplify the information in a basic registration.

1802.7(A) Annotations

As a general rule, the U.S. Copyright Office will not amend or remove an [annotation](#) from the registration record. The Office will refuse an application for supplementary registration that purports to amend or remove an annotation.

1802.7(B) Ownership Issues

A supplementary registration cannot be used to reflect the division, licensing, or [transfer](#) of rights in the work. Likewise, a supplementary registration cannot be used to reflect a change in the ownership of the copyright that occurred on or after the [effective date of registration](#) for the basic registration. [37 C.F.R. § 201.5\(b\)\(2\)\(iii\)\(A\)](#).

If the rights in the work have been divided, licensed, or transferred, or if there has been a change in ownership since the application for [basic registration](#) was made, the applicant should not submit an application for supplementary registration. Instead, the applicant should record the assignment, [license](#), or other legal document that transferred the copyright from one party to another.

Recording certain documents “gives all persons constructive notice of the facts stated in the recorded document,” and it may have other important consequences in the event that there is a conflicting transfer involving the same work. *See* [17 U.S.C. § 205\(c\)-\(e\)](#). A supplementary registration does not provide these benefits. *See* [Corrections and Amplifications of Copyright Registrations; Import Statements; and Recordation of Documents](#), 43 Fed. Reg. 771, 771 (Jan. 4, 1978).

Examples:

- Lorraine Pelowicz and Jody Keppler registered a song naming themselves as the co-claimants of the work. They subsequently submit an application for supplementary registration stating that Lorraine currently owns the publishing rights and that Jody currently owns the right to perform the work in public. The application will be refused. Instead, Lorraine and Jody should record the legal agreement that divided the ownership of the copyright between the parties.
- Tonya Greenleaf registered a blog naming herself as the author and claimant for this work. She subsequently submits an application for supplementary registration stating that she assigned the copyright in this work to the Pom Pom Publishing Company. The application will be refused. Instead, Tonya should record the assignment with the U.S. Copyright Office.
- Kimberly Browning registered a photograph naming herself as the author and claimant for this work. She subsequently submits an application for supplementary registration stating that she licensed this image to a photo library two days before she submitted her application for basic registration. The Office will not issue a

supplementary registration. Instead, Kimberly should record the legal document that licensed her image to the photo library.

For guidance concerning the practices and procedures for recording a transfer or other document with the Office, see [Chapter 2300](#).

1802.7(C) Publication Issues

If the work was [unpublished](#) when the application for the basic registration was submitted to the U.S. Copyright Office and then [published](#) sometime thereafter, the date of [publication](#) cannot be added to the registration record with a supplementary registration. Instead, the applicant should submit a new application for a new basic registration for the first published edition of that work (even if the published version “is substantially the same as the unpublished version”). See [17 U.S.C. § 408\(e\)](#); [37 C.F.R. § 202.3\(b\)\(11\)\(i\)](#).

Ordinarily, if the work was published on or before the [effective date of registration](#) for the basic registration and if the applicant mistakenly claimed that the work was unpublished as of that date, the date of publication cannot be added to the registration record with a supplementary registration. Instead, the applicant should submit a new application for a new basic registration using the procedure described in Section 1803 (subject to the limited exception discussed below).

In most cases, these types of publication issues cannot be corrected with a supplementary registration because the [deposit](#) requirement for a published work and an unpublished work are not the same. As a general rule, the applicant must submit two complete copies of the [best edition](#) if the work has been published, but only one complete copy is required for an unpublished work. See [Chapter 1500](#), Sections 1505.1 and 1505.2. By contrast, if an unpublished work was erroneously registered as a published work, the date of publication may be corrected with a supplementary registration, because the deposit copies for a published work usually satisfy the deposit requirement for an unpublished work. See Section 1802.6(I).

There is a limited exception to this rule. If a published work was erroneously registered as an unpublished work, the date of publication may be added to the registration record with a supplementary registration, provided that (i) the work was published on or after March 1, 1989, and (ii) the deposit requirement for that type of work would be the same regardless of whether the work was published or unpublished, such as architectural blueprints, mechanical drawings, globes, greetings cards, postcards, commercial prints and labels, as well as [computer programs](#), [databases](#), or other types of works that may be registered with [identifying material](#).

1802.7(D) Issues Involving the Deposit Copy(ies)

A supplementary registration may be used only to correct or amplify the information set forth in a [certificate of registration](#). The U.S. Copyright Office will not issue a supplementary registration to correct an error in the [deposit copy\(ies\)](#) that were submitted with the application for basic registration. Likewise, the Office will not issue a supplementary registration to reflect subsequent changes in the content of the work. See [37 C.F.R. § 201.5\(b\)\(2\)\(iii\)\(B\)](#).

If the work has been changed since it was submitted for registration, and if the additions or revisions contain a sufficient amount of original authorship to qualify as a [derivative work](#), the applicant should not submit an application for supplementary registration. Instead, the applicant should submit a new application for a new [basic registration](#) covering the revised version of the work. For a definition and discussion of derivative works, see [Chapter 500](#), Section 507.

1802.7(E) Issues Involving the Copyright Notice

The U.S. Copyright Office will not issue a supplementary registration to add or correct the copyright [notice](#) on the [deposit copy\(ies\)](#) that were submitted with the application for a basic registration. See [37 C.F.R. § 201.5\(b\)\(2\)\(iii\)\(B\)](#).

1802.7(F) Cancellation or Abandonment of a Basic Registration

A basic registration cannot be cancelled or abandoned with a supplementary registration. If the applicant asserts that the basic registration should be abandoned or cancelled for any reason, the U.S. Copyright Office will refuse to issue a supplementary registration. For a discussion of the procedure for cancelling a basic registration, see Section 1806. For a discussion of the procedure for abandoning a basic registration, see [Chapter 2300](#), Section 2311.

1802.7(G) Adverse Claims

A supplementary registration cannot be used to question or challenge the validity of a basic registration. If an applicant asserts that the U.S. Copyright Office issued a basic registration to a party who is not eligible to be named as a [copyright claimant](#) or that the application for the basic registration was filed by a party who was not authorized to register the [claim](#), the applicant should not submit an application for supplementary registration. Instead, the applicant should assert an adverse claim in the copyright by submitting a new application for a new basic registration on behalf of the party who should have been named as the copyright claimant. See [37 C.F.R. § 202.3\(b\)\(11\)\(iii\)](#). For a discussion of the practices and procedures for asserting an adverse claim, see Section 1807.

1802.8 Completing the Application

An application for supplementary registration must be submitted on Form CA, which stands for Correction and Amplification. See [37 C.F.R. § 201.5\(c\)\(2\)](#). Currently, there is no means for seeking a supplementary registration through the electronic registration system.

1802.8(A) Space A: Identifying the Basic Registration

An application for [supplementary registration](#) “shall clearly identify the registration to be corrected or amplified.” [17 U.S.C. § 408\(d\)](#). The applicant should identify the basic registration by providing the following information in space A of Form CA:

- The title of the work that appears in the basic registration (including the previous or alternative title for the work, if any).

- The registration number that appears on the [certificate of registration](#) for the basic registration.
- The year that the U.S. Copyright Office issued the basic registration. (This information appears on the certificate of registration in the field marked [effective date of registration](#).)
- The name(s) of the author(s) listed in the basic registration.
- The name(s) of the [copyright claimant\(s\)](#) listed in the basic registration.

[37 C.F.R. § 201.5\(c\)\(1\)\(i\)-\(iv\)](#). The foregoing information should be copied exactly as it appears on the certificate of registration for the basic registration, even if that information is incorrect or incomplete, even if the applicant intends to correct or amplify that information with a supplementary registration, or even if that information has been corrected or amplified by an earlier supplementary registration.

In addition, applicants are strongly encouraged to submit a photocopy of the certificate of registration that the applicant intends to correct or amplify.

1802.8(B) Space B: Correcting Errors in the Basic Registration

If the information set forth in the basic registration was incorrect at the time when the basic registration was made, the applicant should provide the following information in space B of Form CA:

- The applicant should identify the relevant portion of the basic registration where the error appears. This information should be provided in the space marked Line Heading or Description. If the spaces on the [certificate of registration](#) are numbered one through nine, the applicant also should identify the space where the error appears by providing the relevant number in the space marked “Line Number.” (If there are no numbers on the certificate of registration, the Line Number space may be left blank.)
- In the space marked “Incorrect Information as It Appears in Basic Registration,” the applicant should provide the incorrect information exactly as it appears in the basic registration.
- In the space marked “Corrected Information,” the applicant should provide the correct information that should have been provided in the application for the basic registration.

The applicant may provide a brief explanation for the error or the correction in the space marked “Explanation of Correction.” See [37 C.F.R. § 201.5\(c\)\(1\)\(v\)](#).

Examples:

- Danny Nelson registered a song in 2010, but his name is misspelled in the Author and Claimant fields. Danny may correct this error by providing the following information in space B of Form CA:
 - *Line Number:* n/a.
 - *Line Heading or Description:* Author / Copyright Claimant.
 - *Incorrect information:* Denny Nelson.
 - *Corrected information:* Danny Nelson.
 - *Explanation of correction:* Author's first name was misspelled.

- Dr. Kevin Cannizzo wrote a handbook for veterinarians, which was published by McGrath & Co. The publisher registered the work in 2011, correctly naming itself as the copyright claimant but mistakenly naming itself as the author of the work. The publisher may correct this error by providing the following information in space B of Form CA:
 - *Line number:* n/a.
 - *Line Heading or Description:* Author, Work Made For Hire, Copyright Claimant.
 - *Incorrect information:* Author: McGrath & Co.; Work made for hire: Yes.
 - *Corrected information:* Author: Kevin Cannizzo; Work made for hire: No; Transfer statement: By written agreement.
 - *Explanation of correction:* This handbook is not a work made for hire; Kevin Cannizzo should have been named as the author. McGrath & Co. obtained the copyright in this work from the author by written agreement.

- Robert Rockwell registered a technical drawing in 2005. The drawing was displayed at the Museum of Science and Industry on May 1, 2004, and Robert mistakenly stated that the work had been published, because he assumed that a public display constitutes publication. Robert may correct this error by providing the following information in space B of Form CA:

- *Line Number*: Space 3(b).
- *Line Heading or Description*: Date and Nation of First Publication of This Particular Work.
- *Incorrect information*: May 1, 2004 / United States of America.
- *Corrected information*: Space 3(b) should have been left blank.
- *Explanation of correction*: The work has not been published.

1802.8(C) Space C: Clarifying Information in the Basic Registration, Providing Missing Information, or Reflecting Changes or Events That Have Occurred Since the Basic Registration Was Made

If the applicant intends to clarify the information that appears in the basic registration, to provide missing information that should have been included in the application for basic registration, or to reflect changes that have occurred since the application was submitted to the U.S. Copyright Office (other than a change in the ownership of the copyright), then the applicant should provide the following information in space C:

- The applicant should identify the relevant portion of the basic registration where the error appears. This information should be provided in the space marked Line Heading or Description. If the spaces on the [certificate of registration](#) are numbered one through nine, the applicant also should identify the space where the error appears by providing the relevant number in the space marked “Line Number.” (If there are no numbers on the certificate of registration, the Line Number space may be left blank.)
- In the space marked “Amplified Information and Explanation of Information” the applicant should provide a clear and succinct statement of the information that should be added to the registration record.

In addition, the applicant may provide a brief explanation for the amplification. [37 C.F.R. § 201.5\(c\)\(1\)\(vi\)\(C\)](#).

Examples:

- Stacey Albert and Sandy Applebaum are the co-authors of a children’s book. Stacey registered the work naming herself as the sole author and [claimant](#) of the “text.” Stacey may add Sandy’s name to the registration record by providing the following information in space C of Form CA:
 - *Line Number*: n/a.
 - *Line Heading or Description*: Author, Copyright Claimant.
 - *Amplified Information and Explanation of Information*: Author, Copyright Claimant: Sandy Applebaum should have been named

as a co-author and co-claimant of this work. Ms. Applebaum is a U.S. citizen; she is domiciled in the United States; her address is P.O. Box 217, Woodfield, MD 20872.

- Lynnette Schenkman registered a work titled “Make-Up Tips for Punk Rock Chicks,” but she forgot to mention that portions of the work were previously published in *Punk Rocker* magazine. Lynnette may add this information to the registration record by providing the following information in space C of Form CA:
 - *Line Number*: n/a.
 - *Line Heading or Description*: Limitation of Copyright Claim.
 - *Amplified Information and Explanation of Information*:
Limitation of copyright claim: Chapter 3 previously published in *Punk Rocker* magazine.
- Kerry Blaire registered an ink drawing, naming herself as the author and copyright claimant for this work. Kerry subsequently changed her name. Kerry may add her new name to the registration record by providing the following information in space C of Form CA:
 - *Line Number*: n/a.
 - *Line Heading or Description*: Author, Copyright Claimant.
 - *Amplified Information and Explanation of Information*: Author, Copyright Claimant fields: Due to divorce and remarriage, the name of the author and copyright claimant has changed from Kerry Blaire to Kerry Stephens.
- Compass & Co. registered a roadmap of Fairfax County, Virginia, naming itself as the copyright claimant for this work. The company subsequently moved to a new address. The company may add its new address to the registration record by providing the following information in space C of Form CA:
 - *Line Number*: 4.
 - *Line Heading or Description*: Copyright Claimant.
 - *Amplified Information and Explanation of Information*: Copyright Claimant: The claimant’s new address is P.O. Box 180, Miami, FL 32815.

1802.8(D) Space D: More Space Needed

If the applicant needs more space to correct or amplify the information that appears in the basic registration, the applicant should provide the additional information in space D of Form CA.

1802.8(E) Space E: Contact Information

In space E, the applicant should provide the name, address, telephone number, fax number, and email address (if any) for the person or persons who should be contacted if the [registration specialist](#) has questions or concerns regarding the application for supplementary registration. This person is known as the correspondent. The U.S. Copyright Office will send all communications concerning an application for a supplementary registration to the correspondent at the address provided in Space E of the application.

1802.8(F) Space F: Certification

An application for supplementary registration must be certified by an author, a [copyright claimant](#), or an owner of one or more of the [exclusive rights](#) in the work, or a duly [authorized agent](#) of one of the foregoing persons. No other person or entity is entitled to certify Form CA. *See* [37 C.F.R. § 201.5\(b\)\(1\)](#).

A handwritten signature should be provided on space F of the application under the heading “Handwritten Signature,” and the first and last name of the person who signed the application should be typed or printed on the space marked “Typed or Printed Name and Date.” *See* [37 C.F.R. § 201.5\(c\)\(1\)\(viii\)\(A\)-\(B\)](#).

The person who certifies the application should check one of the boxes on Form CA indicating whether he or she is an author of the work, a copyright claimant, an owner of one or more of the exclusive rights in the work, or a duly authorized agent of one of the foregoing parties. In addition, the applicant should provide the name of the author, [claimant](#), or owner of exclusive rights that the agent represents. *See* [37 C.F.R. § 201.5\(c\)\(1\)\(viii\)\(C\)](#). Ordinarily, an application will be accepted if two or more of the boxes in space F have been checked, unless there is reason to question the application.

The person who signs Form CA certifies that the information provided in the application is correct to the best of his or her knowledge. *See id.* Knowingly making a false representation of a material fact in an application for supplementary registration, or in any written statement filed in connection with the application, is a crime that is punishable under [17 U.S.C. § 506\(e\)](#).

1802.8(G) Space G: Mailing Address for the Certificate of Supplementary Registration

The applicant should provide the first and last name of the individual and/or the name of the organization to which the certificate of supplementary registration should be sent, along with the street address, city, state, and zip code for that individual and/or organization. *See* [37 C.F.R. § 201.5\(c\)\(1\)\(vii\)\(B\)](#). This information should be provided in space G under the heading “Certificate will be mailed in window envelope to this address.” This portion of the application should be completed legibly; failure to provide

a legible name and address may delay the delivery of the certificate of supplementary registration.

The applicant should provide only one mailing address in space G. The U.S. Copyright Office will send a single copy of the certificate to that address by first class mail. Additional copies of the certificate may be obtained from the Office for an additional fee. For instructions on how to request additional copies of a certificate of supplementary registration, see [Chapter 2400](#), Section 2408.

1802.8(H) Filing Fee

The [filing fee](#) for an application for supplementary registration is set forth in the U.S. Copyright Office's fee schedule under the heading "Form CA (to correct or amplify a completed registration)" (www.copyright.gov/docs/fees.html). For information concerning the methods for paying this filing fee, see [Chapter 1400](#), Sections 1403.4 and 1403.5.

As a general rule, the filing fee is not refundable, regardless of whether the Office issues a supplementary registration. The Office will issue a refund only if the Office determines that the error in the basic registration should have been recognized by the [registration specialist](#) at the time when the basic registration was made. *See* Section 1802.9(A).

1802.8(I) Deposit Copy(ies) Not Required

As discussed in Section 1802.8(A), the applicant should submit a copy of the [certificate of registration](#) for the basic registration, but should not submit copy(ies) of the work unless the [registration specialist](#) specifically instructs the applicant to do so. *See* [37 C.F.R. § 201.5\(c\)\(3\)](#); *see also* Section 1802.9(C).

1802.9 Examination Guidelines

1802.9(A) Errors That Should Have Been Recognized by the U.S. Copyright Office

If the Office determines that there is an error in the basic registration and that the mistake or oversight should have been recognized by the [registration specialist](#) when the [claim](#) was examined, the Office will take appropriate measures to correct the registration record. In this situation, the Office will refund the [filing fee](#) without issuing a supplementary registration. *See* [37 C.F.R. § 201.5\(a\)\(2\), \(b\)\(2\)\(i\)](#).

1802.9(B) Identifying the Basic Registration

If the applicant fails to provide all of the information requested in space A of the application or fails to provide the information exactly as it appears in the basic registration, the [registration specialist](#) may correct the information with an [annotation](#), such as "information added from Copyright Office records" or "information corrected from Copyright Office records." If the specialist is unable to identify the basic registration based on the information provided in the application, the specialist will communicate with the applicant.

1802.9(C) Reexamination of the Deposit Copy

In some cases, it may be necessary to compare the information provided in the application for supplementary registration with the [deposit copy\(ies\)](#) which were submitted with the application for the basic registration, particularly if the supplementary registration changes the [publication](#) status of the work, adds additional authors to the registration [record](#), or makes changes to the [certificate of registration](#) in the fields/spaces marked Author Created, Limitation of Copyright Claim, Nature of Authorship, or New Material Added to This Work.

If the U.S. Copyright Office does not have the deposit copy(ies) in its possession, or if the deposit copy(ies) cannot be found within the collections of the Library of Congress, the specialist will ask the applicant to submit a replacement deposit together with a written declaration confirming that the replacement is identical to the deposit copy(ies) that were submitted with the application for basic registration (including the copyright [notice](#) if the work was [published](#) in the United States before March 1, 1989).

1802.9(D) Multiple Corrections and Amplifications Submitted on the Same Application

If the applicant discovers errors in the basic registration and missing information that should have been included in the application for basic registration, the applicant may correct and amplify the information that appears in the basic registration by filing a single application for supplementary registration.

As a general rule, if the applicant provides the corrected or amplified information in the wrong space of the application (*e.g.*, using the amplification field to correct an error in the basic registration), the [registration specialist](#) may issue a supplementary registration without communicating with the applicant, as long as the information appears elsewhere on Form CA. Likewise, the specialist may issue a supplementary registration, even if the specialist disagrees with the applicant as to whether the proposed change constitutes a “correction” or an “amplification.” See [Corrections and Amplifications of Copyright Registrations; Import Statements; and Recordation of Transfers and Other Documents](#), 43 Fed. Reg. 771, 771 (Jan. 4, 1978).

Example:

- Farida Hazra Khan wrote a travelogue titled *Get Your Groove On*. In 2013 Farida’s agent registered the work, but she mistakenly identified the author as Hazra Khan. In the Rights and Permissions field the agent stated that requests to [license](#) the work should be sent to her address in Chicago. The agent subsequently moved to Philadelphia. The author’s correct name and the agent’s current address may be added to the registration record by providing the following information in spaces B and C of Form CA:
 - *Line Number:* n/a.
 - *Line Heading or Description:* Author.

- *Incorrect Information as It Appears in Basic Registration:* Hazra Khan.
- *Corrected information:* Farida Khan.
- *Explanation of correction:* Author’s first name given incorrectly.
- *Line Number:* n/a.
- *Line Heading or Description:* Rights and Permissions .
- *Amplified Information and Explanation of Information:* Address:
The address for rights and permissions has been changed to 1800 JFK Boulevard, Philadelphia, PA 19101.

1802.9(E) Signature Requirements

The [registration specialist](#) will review the application for supplementary registration to confirm that an individual has certified the application. The specialist will accept a [certification](#) that includes the name of the individual who certified the application, along with the name of that person’s employer or the business or organization that the person represents, but a certification that merely recites the name of a business, company, partnership, or other legal entity is unacceptable.

The specialist will accept a photocopy of a handwritten signature, but a stamped signature or a signature provided on a preprinted label is not acceptable. Likewise, the specialist will not accept a signature consisting solely of initials or a monogram. If the application has not been signed, the specialist will ask the applicant to sign space E of Form CA and resubmit the application.

1802.9(F) Adverse Claims / Actual or Prospective Litigation

If the U.S. Copyright Office is aware that there is actual or prospective litigation or an adverse [claim](#) involving a basic registration, and if the applicant attempts to make a major change to that registration, the Office may decline to issue a supplementary registration until the applicant has confirmed in writing that the dispute has been resolved. Similarly, the Office may decline to issue a supplementary registration if it seems likely that the proposed change would be directly at issue in the litigation or the adverse claim.

Example:

- Michelle Peck registered an online video, naming herself as the author and [copyright claimant](#). Mark Ferrell subsequently registered the same video, naming himself as the author and copyright claimant. Michelle submits an application for a supplementary registration stating that Mark’s name should be added to her registration as a co-author and co-claimant. In a cover letter, Michelle explains that the parties are involved in a lawsuit concerning the ownership of the copyright. The Office will not issue

a supplementary registration until the dispute has been resolved. The authorship and ownership of the work appear to be directly at issue in the litigation, and if the Office added Mark's name to the registration record for Michelle's registration it could upset the balance between the competing registrations.

If the Office is aware that there is litigation or an adverse [claim](#) involving a basic registration, the Office may issue a supplementary registration if the applicant intends to make a minor change in that registration or if it seems unlikely that the proposed change would be directly at issue in the dispute. Examples of minor changes or changes that are not likely to be at issue in a legal dispute include spelling mistakes, clerical errors, or changes to the title or [publication](#) status of the work.

Example:

- Olga Jensen registered a song titled "My Daddy Hated Those Crutches," naming herself as the author and copyright claimant. Olga submits an application for supplementary registration stating that the title of the work should be changed to "My Daddy Never Needed Those Crutches." In the cover letter Olga explains that she intends to sue a radio station for playing this song without permission. Although there is prospective litigation involving this song, the [registration specialist](#) may issue the supplementary registration because it appears that the title of the work has changed since the registration was made.

For a general discussion of adverse claims, see Section 1807.

1802.9(G) Refusal to Register

If the U.S. Copyright Office determines that the applicant is not authorized to file the application for supplementary registration or that the other requirements for a supplementary registration have not been met, the [registration specialist](#) will refuse registration. A refusal to register only some of the elements in an application for supplementary registration may be communicated in a telephone conversation, by email, or by letter. A decision to reject the entire application will be made by a written communication sent to the mailing address provided in space E of the application.

If the applicant disagrees with the Office's decision, the applicant may [appeal](#) that decision within the Office. This is an administrative procedure known as a [request for reconsideration](#). To exercise this option, the applicant should follow the procedures set forth in [37 C.F.R. § 202.5](#) and [Chapter 1700](#), Sections 1703 and 1708.

1802.9(H) Cancellation of a Basic Registration

If the changes proposed in the application for supplementary registration indicate that the work does not constitute [copyrightable](#) subject matter or that the other legal and formal requirements for obtaining a basic registration have not been met, the U.S. Copyright Office may refuse to issue a supplementary registration and may issue a proposal to cancel the basic registration.

Although the Office has the authority to cancel a basic registration if these requirements are not met, it may decline to cancel a basic registration if the application for supplementary registration was submitted by or on behalf of any party other than the [claimant](#) named in the basic registration.

For a discussion of the practices and procedures for cancelling a basic registration, see Section 1806.

1802.10 Certificate of Supplementary Registration

If the application to correct or amplify the registration record is approved, the U.S. Copyright Office will issue a supplementary registration to the author, [claimant](#), or [exclusive licensee](#) named in space F of the application. However, the Office will not notify any other party that a supplementary registration has been made, even if they are listed in the [certificate of registration](#) for the [basic registration](#).

The Office will prepare a certificate of supplementary registration that contains pertinent information from the application. The certificate of supplementary registration will be mailed to the address that the applicant provided in space G of the application. In addition, the Office will create a public record for the supplementary registration that identifies and describes the changes or revisions that have been made to the registration record.

The Office will assign a separate registration number to the supplementary registration. In most cases, this number will begin with the same prefix that appears in the basic registration.

1802.11 Cross-Referencing the Records for a Basic Registration and a Supplementary Registration

As discussed in Section 1802.1, the U.S. Copyright Office will place a note in the public record for the supplementary registration that cross-references the registration number and the year of registration for the basic registration, provided that the application for supplementary registration was submitted by or on behalf of the [copyright claimant](#) named in the basic registration. In addition, the Office will place a note in the public record for the basic registration that cross-references the registration number and the [effective date of registration](#) for the supplementary registration. [37 C.F.R. § 201.5\(b\)\(1\) n.1.](#)

If the application was submitted by or on behalf of any other party, the Office will create a public record for the supplementary registration. However, the Office will not cross-reference that record with the public record for the basic registration.

1802.12 Effective Date of Supplementary Registration

When the U.S. Copyright Office issues a certificate of supplementary registration, the Office assigns an [effective date of registration](#) for that registration. The effective date of registration is the day on which an acceptable application and [filing fee](#), which are later determined by the Register of Copyrights or by a court of competent jurisdiction to be

acceptable for supplementary registration, have all been received in the Office. *See* [17 U.S.C. § 410\(d\)](#).

As a general rule, if the applicant makes a reasonable, good faith effort to complete the relevant spaces in Form CA and to identify the basic registration that needs to be corrected or amplified, the effective date of registration will be the date that the Office received the application, provided that the applicant paid the applicable filing fee as of that date.

The Office cannot issue an effective date of registration if the applicant submits an unacceptable form of payment, such as uncollectible checks, unsigned checks, postdated checks, mutilated checks, illegible checks, fees made payable in a foreign currency, or the like. If the Office issues a certificate of supplementary registration and if the payment for the filing fee is returned for insufficient funds or any other reason, the supplementary registration will be cancelled.

The effective date of registration for the basic registration and the effective date of registration for the supplementary registration will coexist with each other in the registration record. The Office maintains both records to allow courts to decide whether the changes made by the supplementary registration are material and whether those changes should or should not be deemed effective as of the date that the basic registration was made.

1803 New Application for a New Basic Registration

This Section discusses the practices and procedures for correcting or amplifying the information in a basic registration by filing a new application for a new basic registration.

As a general rule, the U.S. Copyright Office will issue only one basic registration to the same [claimant](#) for the same work, and a supplementary registration is the preferred method for correcting or amplifying the information in a basic registration. *See Applications for Registration of Claim to Copyright under Revised Copyright Act, 42 Fed. Reg. 48,944, 48,945 (Sept. 26, 1977)*.

As discussed in Section 1802.7, there are some cases where a supplementary registration cannot be used to correct or amplify the information in a basic registration. In those cases, a new application for a new basic registration may be used to correct an error or omission in a basic registration, instead of filing an application for a supplementary registration.

- *Claimant issues:* If the Office issued a basic registration that correctly identifies the author of the work and correctly names a different individual or legal entity as the [copyright claimant](#), the author may file an application for a new basic registration naming himself or herself as both the author and the copyright claimant for that work. *See* [37 C.F.R. § 202.3\(b\)\(11\)\(ii\)](#).
- *Publication issues:* *Basic registration for an unpublished work that is subsequently published.* If the Office issued a basic registration for an unpublished work that

was [published](#) sometime thereafter, the date of publication cannot be added with a supplementary registration. Instead, the applicant may provide the date of publication by submitting a new application for a new basic registration to register the first published edition of the work (even if the published version “is substantially the same as the unpublished version”). [17 U.S.C. § 408\(e\)](#); [37 C.F.R. § 202.3\(b\)\(11\)\(i\)](#).

- *Publication issues: Published work registered as an unpublished work.* If the applicant incorrectly stated that the work was unpublished, when in fact, the work was published, the date of publication may be added with a supplementary registration, but only if the deposit requirement for the published work and the unpublished work are the same. If the deposit requirements are different, the applicant may provide the date of publication by submitting a new application for a new basic registration together with proper deposit copies for the published edition of the work.
- *Derivative work issues:* If the work has been changed or revised since the registration was issued, the changes or revisions cannot be added to the registration record with a supplementary registration. If the changes or revisions contain a sufficient amount of original authorship, the applicant should submit a new application for a new basic registration together with the correct deposit copy(ies) for the [derivative work](#).
- *Adverse claims:* If the applicant contends that the basic registration is invalid because the application was filed by or on behalf of a party who was not authorized to register the copyright, the applicant should assert an adverse [claim](#). Specifically, the applicant should file a new application for a basic registration on behalf of the party who should have been named as the copyright claimant. See [37 C.F.R. § 202.3\(b\)\(11\)\(iii\)](#).

Ordinarily, the registration number and year of registration for the basic registration should be provided in an application for a new basic registration. Specifically, the applicant should provide this information in the Previous Registration field (in the case of an online application) or on space 5 (in the case of a paper application). However, if an applicant intends to assert an adverse claim, the applicant should not provide the registration number for the other registration in the Previous Registration field/space. Instead, the applicant should provide a brief statement in the Note to Copyright Office field or in a cover letter indicating that the exact same work has been registered by another party. The [registration specialist](#) may add a note to the [certificate of registration](#) and the [online public record](#) indicating the presence of correspondence in the file or may add a note clarifying that the applicant has asserted an adverse claim.

Examples:

- Dennis Lockhart and Betty Patton co-wrote a ballad titled “Forever Apart.” The Office issued a basic registration naming Dennis and Betty as the co-authors and Dennis as the sole copyright claimant. Dennis may add Betty’s name to the Name of Claimant field with a supplementary registration. In the alternative, Betty may file a new application for a new basic registration naming herself as the copyright claimant for this work if the work is jointly owned.

- Eliza Kuralt registered a bird watching guide as an unpublished work. Two days later, Eliza began selling copies of her guide over the internet. The date of publication cannot be added to the basic registration with a supplementary registration. Eliza may add the date of publication to the registration record by submitting a new application for a new basic registration together with two copies of the first published edition of her guide, even if the published version is substantially the same as the unpublished version.
- Matt Bernaski registered a [computer program](#) and mistakenly claimed that the work had not been published before. In fact, Matt distributed the program on a CD-ROM two days before he submitted his application to the Office. The date of publication cannot be added to the basic registration with a supplementary registration, because the deposit requirement for an unpublished program is not the same as the deposit requirement for a program published on a CD-ROM. However, Matt may file a new application for the published version of this work. To do so, Matt should submit a sample of the [source code](#) for his program together with one copy of the complete CD-ROM package. Matt should provide the registration number and year of registration for the previous registration in the Previous Registration field. In addition, he should provide the following statement in the New Material Included field (in the case of an online application) or on space 6(b) (in the case of a paper application): “This registration is made to correct a registration that was incorrectly made as unpublished.” If appropriate, the Office may cancel the previous registration and issue a new basic registration for the work.
- Tracy Monaghan registered a genealogy that traces the history of the Monaghan family. Tracy subsequently updated and revised the genealogy after she discovered diaries, photographs, and other information about a distant member of the family. The updates and revisions cannot be added to the basic registration with a supplementary registration. However, Tracey may file a new application for a new basic registration if the updates and revisions contain a sufficient amount of [copyrightable](#) authorship to qualify as a [derivative work](#).

A new application for a new basic registration may be filed at any time during the life of the copyright and the application may be submitted by any of the parties listed in [Chapter 400](#), Section 402.

If the application for the new basic registration is approved, the Office will issue a certificate of registration and will create a public record for that registration. However, the Office will not cancel the previous registration or the registration number that has been assigned to that registration, it will not change the information set forth in the previous registration or the public record for that registration, and it will not cross-reference those records with the records for the new basic registration. Instead, the

previous registration and the new basic registration will coexist with each other in the public record.

1804 Referrals

If the error in a registration record is the result of the U.S. Copyright Office's action or mistake, the Office will correct the record on its own initiative without recourse to the [supplementary registration](#) procedure. This procedure is known as a "referral."

1804.1 Errors Discovered by the U.S. Copyright Office

If the U.S. Copyright Office discovers an error or omission in the basic registration that should have been recognized by the [registration specialist](#) when he or she examined the [claim](#), the Office may correct the error or omission on its own initiative. If additional information is required, the Office will communicate with the person named in the Correspondent field/space. If the Office is unable to reach the correspondent, it will communicate with the [copyright claimant](#) named in the basic registration.

If appropriate, the Office will issue a new [certificate of registration](#) containing the correct or missing information. If the Office is unable to reach the correspondent or the copyright claimant, or if he or she is unable to provide the correct or missing information, the Office will add a note to the registration record that describes the error or omission in the registration and will update the record to indicate that there is correspondence in the file. [37 C.F.R. § 201.7\(d\)](#).

If the Office discovers a major substantive error or omission in the basic registration, the Office may cancel the registration using the procedures described in Sections 1806.4(C) or 1806.4(D).

1804.2 General Policy Regarding Social Security Numbers, Driver's License Numbers, Credit Card Numbers, and Bank Account Numbers

If the [registration specialist](#) discovers a social security number, driver's license number, credit card number, or bank account number in the application, he or she will remove that information from the record without communicating with the applicant. If this information is not discovered during the examination process and subsequently appears in the [certificate of registration](#) or the [online public record](#), the author, the [claimant](#), or one of the other parties listed in Section 1802.1 should contact the Office using the form posted on the U.S. Copyright Office's website (www.copyright.gov/help/general-form.html). The Office will remove a social security number, driver's license number, credit card number, or bank account number from the certificate of registration and online public record upon written request.

1805 Abandonment

A basic registration cannot be abandoned with a supplementary registration or an application for a new basic registration. However, the U.S. Copyright Office may record an affidavit, a declaration, a statement, or any other document purporting to abandon a copyright or any of the [exclusive rights](#) granted to copyright owners under [Sections 106](#)

or [106A](#) of the Copyright Act. For a discussion of this procedure, see [Chapter 2300](#), Section 2311.

1806 Cancellation

This Section discusses the practices and procedures for cancelling a registration issued by the U.S. Copyright Office.

1806.1 What Is Cancellation?

Cancellation is a procedure for invalidating a registration that has been issued by the U.S. Copyright Office.

The [Register of Copyrights](#) has the authority to cancel a registration if “the material deposited does not constitute copyrightable subject matter” or if “the claim is invalid for any other reason.” [17 U.S.C. § 410\(b\)](#); *see also* Sections 1806.4(B) through 1806.4(D). Likewise, the Register has the authority to cancel a registration if the registration was made in error or if the registration was issued in the wrong class or series. *See* Section 1806.4(A).

“The Office views cancellation of invalid claims as a necessary measure to ensure the integrity of the copyright registration system and to ensure consistent application of its regulations and practices.” [Cancellation of Completed Registrations, 50 Fed. Reg. 40,833, 40,834 \(Oct. 7, 1985\)](#). “Without cancellation procedures, a copyright registration could be given *prima facie* effect in federal court where the Copyright Office knew the registration to be invalid under its regulations or practices. This would place an unfair burden on the public and on defendants in copyright litigation to overcome the strong presumption of validity that the courts have generally accorded copyright registrations.” *Id.*

1806.2 What Types of Records May Be Cancelled by the U.S. Copyright Office?

The Office may cancel the following types of records:

- A [basic registration](#) issued under [Sections 408\(a\)](#) or [408\(c\)\(1\)](#) of the Copyright Act.
- A [supplementary registration](#) issued under [Section 408\(d\)](#) of the Copyright Act.
- A [renewal registration](#) issued under [Section 304](#) of the Copyright Act or under title 17 of the United States Code as it existed before January 1, 1978.
- A registration for a mask work or vessel design issued under [Sections 908](#) or [1313](#) of the Copyright Act.

The Office will not cancel the following types of records:

- A basic registration or renewal registration that has expired, such as a registration issued on or before December 31, 1977 that covered the first twenty-eight years of the copyright term.
- A preregistration issued under [Section 408\(d\)](#) of the Copyright Act.

- Any other type of record maintained by the Office, such as [deposit copies](#) or recorded documents.

1806.3 Situations Where the U.S. Copyright Office Will Cancel a Registration

The Office will cancel a registration only in the following situations:

- The Office has determined that the work was registered in the wrong class. *See* Section 1806.4(A).
- A check received in payment for the [filing fee](#) was returned to the Office for insufficient funds. *See* Section 1806.4(B).
- The Office has determined that the registration should not have been issued because the work does not constitute [copyrightable](#) subject matter or fails to satisfy the other legal and formal requirements for obtaining a copyright registration. *See* Section 1806.4(C).
- The Office has determined that the application, filing fee, and/or the [deposit copy\(ies\)](#) do not satisfy the requirements of the Copyright Act and/or the Office's regulations and the Office is unable to correct the defect. *See* Section 1806.4(D).

See [37 C.F.R. § 201.7\(b\)-\(c\)](#).

1806.4 Procedure for Cancelling a Registration

The decision to cancel a registration under [37 C.F.R. § 201.7\(c\)\(1\)](#) or [\(c\)\(4\)](#) will be made by the Associate Register and Director of Registration Policy and Practice. The decision to cancel a registration under [37 C.F.R. § 201.7\(c\)\(2\)](#) or [\(c\)\(3\)](#) will be made by an appropriate member of the Office's staff.

The Office will amend the public record to reflect the fact that the registration has been cancelled and will specify the reason for the cancellation. The Office will not return the [deposit copy\(ies\)](#) or refund the [filing fee](#) for the registration.

See generally [Cancellation of Completed Registrations, 50 Fed. Reg. 33,065, 33,065-67 \(Aug. 16, 1985\)](#).

1806.4(A) Registrations Issued in the Wrong Class or Series

If the U.S. Copyright Office determines that the work was registered in the wrong class or series, it may cancel the initial registration and issue a new registration in the correct class. *See* [37 C.F.R. § 201.7\(c\)\(3\)](#). The Office will create a public record for the new registration and will send the new [certificate of registration](#) to the mailing address that the applicant provided in the application for the initial registration. The [effective date of registration](#) for the new registration will be the same as the effective date of registration for the initial registration.

Examples:

- On April 10, 2005 Pick Up Sticks LLC submitted an application to register an album and asserted a [claim](#) in “music, lyrics, and [sound recording](#).” The Office registered the claim in class SR. Pick Up Sticks subsequently filed an application for supplementary registration stating that the company owns the music and lyrics embodied in this album, but does not own the copyright in the sound recording. Pick Up Sticks should have registered this claim in class PA, rather than class SR. The Office will cancel the initial registration and will issue a new registration in class PA with an effective date of registration of April 10, 2005.
- Tally Ho, Inc. submitted an application to register its website as a [literary work](#) and stated that the site has been [published](#) in the United States. The Office issued a registration with an effective date of registration of August 20, 2009 and numbered the registration in series TX. On September 1, 2010 Tally Ho filed an application for supplementary registration stating that the website is, in fact, [unpublished](#); therefore, the registration should have been numbered in series TXu. The Office will not cancel the basic registration, but instead, will issue a new registration in the correct series with an effective date of registration of September 1, 2010.

1806.4(B) Registrations Cancelled for Failure to Pay the Filing Fee

The U.S. Copyright Office will cancel a registration if a check received in payment of the [filing fee](#) is returned to the Office for insufficient funds or is otherwise uncollectible. [37 C.F.R. § 201.7\(c\)\(2\)](#).

The applicant will be notified in writing that the check could not be collected. If the filing fee is received within forty-five days from the date set forth in the [notice](#), the Office will issue a new [certificate of registration](#). The new effective date of registration will be the date that the new filing fee was received.

If the filing fee is not received within forty-five days, the registration will be cancelled. If the applicant would like to resubmit the work for registration, the applicant should file a new application, together with new [deposit copy\(ies\)](#) and the correct filing fee. In appropriate cases, the Office reserves the right to require a certified check or money order, and in all cases, the effective date of registration will be based on the date that the new submission is received by the Office.

NOTE: This practice supersedes the [Policy Decision Regarding Immediate Cancellation of Registration in Uncollectible Check Cases set forth in 46 Fed. Reg. 30,221, 30,221 \(June 5, 1981\)](#).

See generally [Cancellation of Completed Registrations, 50 Fed. Reg. 33,065, 33,066-67 \(Aug. 16, 1985\)](#).

1806.4(C) Registrations Cancelled for Lack of Copyrightable Authorship

If the U.S. Copyright Office issues a registration and subsequently determines that the work appears to be uncopyrightable, the Office will issue a notice of intent to cancel the registration. The notice will be issued in writing and it will specify the reason(s) for cancelling the registration.

The Office will mail the notice to the correspondent named in the registration record (including any supplementary registrations that have been cross-referenced with the basic registration). In addition, the Office will send a copy of the notice to the [copyright claimant\(s\)](#) at the address specified in the registration record. The Office will not search its records to determine if the claimant has transferred the copyright to another party. Likewise, the Office will not contact authors, claimants, or owners of [exclusive rights](#) who are not listed in the [certificate of registration](#), even if the Office has reason to believe that they may be adversely affected by the Office's decision.

The correspondent will be given thirty days from the date set forth in the notice to show cause in writing why the registration should not be cancelled. *See* [37 C.F.R. § 201.7\(c\)\(4\)](#). If the deadline falls on a weekend, a holiday, or any other nonbusiness day within Washington, DC or the federal government, the deadline will be extended until the next federal work day. [17 U.S.C. § 703](#). If a response was sent in a timely manner, but arrived in the Office after the relevant deadline, the Office may apply the regulation on postal disruptions to determine the timeliness of the response. *See* [37 C.F.R. § 201.8\(b\)](#).

If the correspondent fails to respond within thirty days, or if, after considering the correspondent's written response, the Office determines that the work is not [copyrightable](#), the Office will cancel the registration. *See* [37 C.F.R. § 201.7\(c\)\(1\)](#).

1806.4(D) Registrations Cancelled for Substantive Defects in the Registration

If the U.S. Copyright Office registers a work that appears to be [copyrightable](#) but subsequently determines (i) that the statutory requirements for registration were not met, (ii) that essential information was not provided in the application, (iii) that the essential information provided in the application appears to be questionable, or (iv) that the correct [deposit copy\(ies\)](#) were not submitted, the Office will communicate with the correspondent and/or the [copyright claimant](#).

The Office will mail the communication to the correspondent named in the registration record (including any supplementary registrations that have been cross-referenced with the basic registration). In addition, the Office will send a copy of the communication to the copyright claimant named in the basic registration at the address specified in the registration record. The Office will not search its records to determine if the [claimant](#) has transferred the copyright to another party and the Office will not contact authors, claimants, or owners of [exclusive rights](#) who are not listed in the [certificate of registration](#), even if the Office has reason to believe that they may be adversely affected by the Office's decision.

The Office will describe the substantive defect in the registration and will ask the correspondent to submit the required information, to submit the correct deposit copy(ies), or to clarify the information provided in the application. *See* [37 C.F.R. §](#)

[201.7\(c\)\(4\)](#). In addition, the Office will advise the correspondent that the registration may be cancelled if the defect is not resolved.

The correspondent will be given thirty days from the date set forth in the communication to resolve the defect in the registration. If the deadline falls on a weekend, a holiday, or any other nonbusiness day within Washington, DC or the federal government, the deadline will be extended until the next federal work day. [17 U.S.C. § 703](#). If a written response was sent in a timely manner, but arrived in the Office after the relevant deadline, the Office may apply the regulation on postal disruptions to determine the timeliness of the response. *See* [37 C.F.R. § 201.8\(b\)](#).

If the correspondent's written response resolves the defect, the Office will correct the registration record and may issue a new certificate of registration with a new [effective date of registration](#), if appropriate. If the correspondent fails to respond within thirty days, or if, after considering the written response, the Office determines that the defect has not been resolved, the Office will cancel the registration. *See* [37 C.F.R. § 201.7\(c\)\(4\)](#).

Examples of substantive defects that may prompt the Office to cancel a registration under [§ 201.7\(c\)\(4\)](#) of the regulations include:

- The work is not eligible for copyright protection in the United States under [Section 104](#) of the Copyright Act.
- The work was registered based on a [claim](#) in material added to a preexisting work, but the application as a whole indicates that the new material is not copyrightable.
- The author of the work is neither [anonymous](#) nor [pseudonymous](#), but the author cannot be identified because there is a substantial variance between the information provided in the application and/or the deposit copy(ies).
- The application does not identify the copyright claimant, or it appears from the [transfer statement](#) that the claimant named in the application does not have the right to claim copyright.
- The copyright claimant cannot be adequately identified because there is a substantial variance between the information provided in the application or the information is unclear.
- The work was [published](#) on or after January 1, 1978, but the claimant named in the application was deceased on the date the application was certified.
- The work was published in the United States before March 1, 1989, and none of the exceptions set forth in [Section 405\(a\)](#) of the Copyright Act apply.
- The work was published in the United States before January 1, 1978, but the deposit copies do not contain a copyright [notice](#) or the notice is defective.

- The Office issued a [renewal registration](#) for a work registered or first published in the United States before December 31, 1963, but the renewal application was submitted before or after the statutory time limit.
- The application and the deposit copy(ies) do not match each other, and the copy(ies) described in the application cannot be located elsewhere in the Office or the Library of Congress.
- The work was published in violation of the manufacturing provisions of the copyright law as it existed before July 1, 1986.

See [37 C.F.R. § 201.7\(c\)\(4\)\(i\)-\(xi\)](#).

1806.4(E) Voluntary Cancellation

As a general rule, the decision to cancel a registration will be made solely by the U.S. Copyright Office acting on its own initiative. However, the Office may consider a request to cancel a registration, provided that the request is made by the [copyright claimant](#) named in the registration record or the claimant's duly [authorized agent](#) and provided that the following requirements have been met:

- *Content of the request:* The request should identify the registration that will be surrendered for cancellation, including the author(s), title(s), claimant(s), and registration number. The request should provide the full name of the individual who signed the request and should state that that party is the claimant named in the [certificate of registration](#) or the claimant's duly authorized agent. The request should be legible and capable of being imaged or otherwise reproduced by the technology employed by the Office at the time of its submission.
- *Justification for the request:* The request should demonstrate that the registration should be cancelled because the work was registered in the wrong class, because the [filing fee](#) has not been paid, because the work is uncopyrightable, or because there is a substantive defect in the registration.
- *Signature:* The request should be signed by the claimant named in the certificate of registration or the claimant's duly authorized agent. The request should contain the actual handwritten signature(s) of the person or persons who executed the request or a legible photocopy or other facsimile of the signature together with a sworn [certification](#) that satisfies the requirements set forth in [37 C.F.R. § 201.4\(c\)\(1\)](#) of the regulations.

The request should be sent to the following address:

U.S. Copyright Office
RAC Division
P.O. Box 71380
Washington, DC 20024-1380

If the Office determines that the registration is invalid under [37 C.F.R. § 201.7\(c\)](#), it will cancel the registration and notify the claimant in writing.

The Office does not invite, and generally will not entertain, requests to cancel a registration by any party other than the claimant named in the certificate of registration. If the Office receives a request to cancel a registration from a third party, the Office will notify the claimant that the request was received. However, the Office will not take any other action unless the claimant subsequently submits a request for voluntary cancellation.

Examples:

- John Falcone registered a song titled “Let Us Prey.” The Office subsequently receives a letter from Robin Goodwin asserting that the registration should be cancelled, because John does not own the copyright in this work. The Office will not cancel the registration, although it will notify John that the request was received. If Robin believes that she is the rightful owner of the copyright, she may submit a separate application to register the song in her own name.
- The Rational Group registered a work that contains a blank form combined with a substantial amount of text. The Office receives a letter from Entropy LLC stating that the registration should be cancelled, because blank forms are not [copyrightable](#) (citing [§ 202.1\(c\)](#) of the regulations). The Office will not cancel the registration, although it will notify the Rational Group that the request was received.

The Office will not reinstate a registration after it has been voluntarily cancelled. If the claimant would like to resubmit the [claim](#), the claimant must submit a new application, new [deposit copy\(ies\)](#), and the correct filing fee. The [effective date of registration](#) will be based on the date that the new submission is received by the Office.

1806.4(F) Court Ordered Cancellation

Occasionally, the plaintiff(s) and/or defendant(s) in a copyright [infringement](#) lawsuit ask the court to issue an order directing a party to cancel his or her registration. When requesting this type of relief, litigants should ask the court to issue the order to the [copyright claimant](#) named in the [certificate of registration](#) or the claimant’s duly [authorized agent](#). In addition, litigants should ask the court to direct that party to cancel the registration using the procedure described in Section 1806.4(E) above.

1806.5 Request for Reconsideration of Cancellation

If the registration was cancelled under Sections [201.7\(c\)\(1\)](#) or [\(c\)\(4\)](#) of the regulations and if the [claimant](#) disagrees with the U.S. Copyright Office’s decision, the claimant may [appeal](#) that decision within the Office. This is an administrative procedure known as a second [request for reconsideration](#). To exercise this option, the copyright claimant must follow the procedures set forth in [37 C.F.R. § 202.5\(c\)-\(d\)](#) and [Chapter 1700](#),

Sections 1704 and 1708, except for the [filing fee](#) which is not required for this type of request.

The second request for reconsideration will be reviewed by the [Review Board](#). The Review Board consists of the [Register of Copyrights](#) and the General Counsel of the U.S. Copyright Office (or their respective designees) and a third individual who will be designated by the Register. [37 C.F.R. § 202.5\(f\)](#). If the Board determines that the registration should not have been cancelled, the registration will be reinstated and the claimant will be notified in writing. If the Review Board upholds the decision to cancel the registration, the Board will notify the claimant in writing and will explain the reasons for its decision. In all cases, the notification will be sent to the party who submitted the request for reconsideration.

1807 Adverse Claims

This Section discusses the practices and procedures for asserting an adverse [claim](#) to copyright. An adverse claim is a situation where:

- The U.S. Copyright Office receives two or more applications (either consecutively or simultaneously) to register the exact same work, where each application was certified and submitted by a different applicant, and each application contains conflicting statements regarding the authorship and/or ownership of the work;
- or
- One party submits an application and asserts that another party's claim to copyright is unauthorized or invalid.

The Office does not conduct interference or adversarial proceedings. Likewise, the Office does not adjudicate factual or legal disputes involving claims to copyright. If there is a dispute between two or more parties, it is the responsibility of each party to pursue their claims in an appropriate court.

If a party asserts that another party registered the work without authorization or that a previous registration is invalid for any reason, the Office may suggest that the party register the work in his or her own name by submitting a separate application, [deposit copy\(ies\)](#), and [filing fee](#). Likewise, an adverse claim may be appropriate if the party does not have the authority to correct or amend the information in the basic registration with a supplementary registration. *See* Section 1802.1.

When the Office examines an application, it does not search its records to determine whether the work has been registered before. If an applicant intends to assert an adverse claim, the applicant should provide a brief statement in the Note to Copyright Office field or in a cover letter indicating that the exact same work has been registered by another party. However, the applicant should not provide the registration number for the other registration in the Previous Registration field/space. The [registration specialist](#) may add a note to the [certificate of registration](#) and the public record indicating the presence of correspondence in the file or may add a note clarifying that the applicant has asserted an adverse claim.

If the application appears to be in order, the Office will register the adverse claim. The Office will notify the other party (or that party's duly authorized agent) that the Office received an adverse claim and that a separate registration has been issued to that party.

If the Office discovers that two or more parties are seeking to register the exact same work, the Office will examine each application to determine if the statutory and regulatory requirements have been met. The sequence that each application is received in the Office is irrelevant to this determination, and the Office will not conduct opposition or interference proceedings to determine whether one application should be given priority over the other. *See Cancellation of Completed Registrations, 50 Fed. Reg. 40,833, 40,835 (Oct. 7, 1985)* (noting the Office does not resolve factual disputes or conduct adversarial proceedings). The Office will inform each party of the other party's claim, and will ask each party if he or she wishes to proceed with his or her application. If so, the Office will issue a separate registration to each applicant. If an applicant does not respond to the Office's inquiry, the file for that application will be closed.

In most cases, if the applicant responds to the inquiry, the Office will issue a separate registration to each party and will create a separate public record for each registration. The Office will not cancel the other registration or the registration number that has been assigned to that registration, it will not change the information set forth in the other registration or the public record for that registration, and it will not cross-reference those records with the records for the new registration. Instead, each registration will coexist with each other in the public record.

Examples:

- BrandImage LLC created a logo for the Shenanigans Amusement Park. Shenanigans registered the logo, naming itself as the sole author and [copyright claimant](#) and stating that the logo was created for the amusement park as a [work made for hire](#). BrandImage claims that the registration is invalid, because a logo is not one of the types of works that can be created as a work made for hire and because BrandImage never assigned the copyright in this work to Shenanigans. The information in the basic registration cannot be corrected with a supplementary registration. However, BrandImage may file a new application for a new basic registration naming itself as the sole author and the sole copyright claimant. If BrandImage submits a new application, the Office may notify Shenanigans that the filing has been made, provided that the Office is aware that BrandImage is seeking to register the same work.
- Mark O'Meara registered a podcast, naming himself as the copyright claimant. Buzz Allston subsequently sends a letter to the Office stating that the registration is invalid, because Buzz (not Mark) owns the copyright in this work. The Office will refuse to cancel or amend Mark's registration and will explain that the Office does not resolve factual disputes or conduct adversarial proceedings. Instead, the Office will suggest that Buzz submit an application to register the podcast in his own name. If Buzz's application is

approved, the Office will notify Mark that a separate registration has been made.

- The registration specialist receives two applications to register the same airbrush drawing. One application names ABC Graphics as the author and copyright claimant and states that the company's employees created the drawing as a work made for hire. The other application names an individual as the author and copyright claimant and states that the drawing is not a work made for hire. The specialist will communicate with each applicant. Both parties assert that they are the correct author/claimant and provide a plausible explanation for their respective positions. The registration specialist will register both claims.
- Robb Bay submits an application to register a song, naming himself as the author and copyright claimant. In the Note to Copyright Office field, the applicant states that Charles Stabillac registered the song without authorization and that the parties are engaged in a legal dispute concerning the ownership of this work. If Robb's application satisfies the registration requirements, the specialist will register the claim. The specialist will notify Charles that a new basic registration has been issued to Robb, and the specialist will notify Robb that Charles has been made aware of this development.