

# 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.
- Requests to remove and replace certain types of personally identifiable information that may appear in the online public record.
- 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. § 202.6](#).

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. § 202.6\(f\)\(2\)](#).

### 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. § 202.6\(c\)](#). No other party may file an application for supplementary registration.

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.

If the application for supplementary registration is approved, the Office will cross-reference the records for the supplementary registration and the basic registration. 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. [37 C.F.R. § 202.6\(f\)\(1\)](#). The cross-references are intended to notify any person who searches the Office's records that the Office has issued a supplementary registration that may contain additional information pertaining to the basic registration, and that the records for both the basic registration and the supplementary registration should be consulted. *See* Supplementary Registration, 81 Fed. Reg. 86,656, 86,660 & n.26 (Dec. 1, 2016).

### **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. *See* [37 C.F.R. § 202.6\(d\)\(2\), \(3\)](#); Supplementary Registration, 81 Fed. Reg. 86,656, 86,660 & n.23 (Dec. 1, 2016).

### **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:

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

See [37 C.F.R. § 202.6\(b\)\(1\)\(i\)-\(iii\)](#).

The U.S. Copyright Office may decline to issue a supplementary registration for a basic registration for a work that was registered or first published on or before December 31, 1977, because those registrations have expired by now. Allowing interested parties to correct or amplify the information in a basic registration after the initial term expired creates a potential for error, mistake, or even fraud. See *Supplementary Registration*, 81 Fed. Reg. 86,656, 86,660 (Dec. 1, 2016). A supplementary registration could have significant consequences in a legal dispute, given that a certificate of registration may create an evidentiary presumption concerning the facts stated in the certificate. [17 U.S.C. § 410\(c\)](#). In exceptional circumstances, the Office may issue a supplementary registration for a basic registration that covered the first twenty-eight years of the copyright term, but only if the proposed correction or amplification is supported by clear, convincing, and objective documentation. See [37 C.F.R. § 202.6\(d\)\(6\)](#). For information concerning this option, see Chapter 2100, Section 2131. For general information concerning the practices and procedures for correcting or amending a renewal registration, see Chapter 2100, Section 2138.

A supplementary registration may be used to correct or amplify the information in one basic registration or one renewal registration. The 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. See *Supplementary Registration*, 81 Fed. Reg. at 86,660.

#### **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 using the form posted on the Office's website, 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 the online public record contains an error 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 using the form posted on the Office’s website, instead of filing an application for 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.

- If the online public record contains a social security number, credit card number, driver’s license number, or bank account number, this information may be removed through a procedure known as a “referral,” which is discussed in Section 1804. If the online public record contains any other type of personally identifiable information, it may be possible to remove or replace that information using the procedure discussed in Section 1805.

*Basic registrations in the wrong class or series:* The Office will not issue a supplementary registration for a work that was registered in the wrong class or series. Instead, this issue must be addressed with a procedure known as a “cancellation and substitution,” which is discussed in Section 1806.4(A).

*Basic registrations for multiple works.* When the Office registers multiple works under a registration accommodation, it will not accept an application that seeks to reclassify the works under a different accommodation. For example, a supplementary registration cannot be used to change a registration for a group of published photographs into a registration for a compilation, a collective work, or a photographic database (or *vice versa*). Nor can it be used to transform a registration for an unpublished collection into a registration for a single published work. These types of changes would alter the fundamental nature of the claim, and would undermine the legal presumptions afforded to the initial examination of the works. And it would be inconsistent with the statutory and regulatory provisions stating that a supplementary registration augments – but does not supersede – the basic registration. *See* 17 U.S.C. § 408(d); [37 C.F.R. § 202.6\(f\)\(2\)](#); [Supplementary Registration, 82 Fed. Reg. 27,424, 27,426 \(June 15, 2017\)](#).

*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. *See* [37 C.F.R. § 202.6\(d\)\(4\)\(iii\)](#); [Supplementary Registration, 81 Fed. Reg. 86,656, 86,660 n.24 \(Dec. 1, 2016\)](#).

*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); Supplementary Registration, 81 Fed. Reg. at 86,658 n.10. 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 using the form posted on the Office's website. 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." [37 C.F.R. § 202.6\(d\)\(2\)](#). An amplification may be used "[t]o 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.* § 202.6(d)(3)(i). An amplification may also be used “[t]o reflect changes in facts, other than those relating to transfer, license, or ownership of rights in the work, that occurred since the basic registration was made.” *Id.* § 202.6(d)(3)(ii).

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.” But 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(s) of the work(s) listed in the basic registration, to add subtitle(s), previous or alternative title(s), or contents title(s) that were not provided in the application for the basic registration, or to reflect a change in the title(s) 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.

### **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. § 202.6\(d\)\(3\)\(i\)](#).

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.

**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. § 202.6\(d\)\(3\)\(i\)](#).

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. *See* [37 C.F.R. § 202.6\(d\)\(3\)\(i\)](#).

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. But 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. 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(I).

#### **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. 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. § 202.6\(d\)\(4\)\(i\)](#).

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 date that the claim was filed with the Office, 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).

These types of publication issues cannot be corrected with a supplementary registration unless the deposit requirement for a published work and an unpublished work are the same. As a general rule, the applicant must submit two complete copies of the best

edition if the work was published on or after January 1, 1978, 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 only be used 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. *See* [37 C.F.R. § 202.6\(d\)\(4\)\(ii\)](#).

#### **1802.7(E) Issues Involving Derivative Works**

If a work has been changed or revised since it was registered, the changes or revisions cannot be added to the registration record with a supplementary registration. *See* [37 C.F.R. § 202.6\(d\)\(4\)\(ii\)](#). Likewise, the Office will not issue a supplementary registration for an entirely new work that has not been registered before (even if it is based on a previously registered work). Instead, the applicant should submit a new application for a new basic registration, together with an appropriate copy(ies) of the new or revised version of the work.

For a definition and discussion of derivative works, see Chapter 500, Section 507.

#### **1802.7(F) 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. § 202.6\(d\)\(4\)\(ii\)](#).

#### **1802.7(G) 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 1807. For a discussion of the procedure for abandoning a basic registration, see Chapter 2300, Section 2311.

**1802.7(H) 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 1808.

**1802.8 Completing the Application**

As a general rule, an applicant must use the online application to correct or amplify the information set forth in a basic registration – even if the work was originally registered with a paper application. For guidance in completing the online application, see Section 1802.8(A).

Specifically, the applicant must use the online application to correct or amplify a basic registration for the following types of works:

- A literary work, such as fiction, nonfiction, poetry, memoirs, textbooks, computer programs, and other nondramatic textual works.
- A work of the visual arts, such as two-dimensional or three-dimensional works of fine, graphic, or applied art, prints, art reproductions, maps, technical drawings, and architectural works.
- A work of the performing arts, such as a musical work, dramatic work, choreographic work, pantomime, motion picture, or other audiovisual work.
- A sound recording, such as an audiobook, a podcast, or a recording of a song.
- A single issue of a serial publication, such as a periodical, magazine, newsletter, or journal.

[37 C.F.R. § 202.6\(e\)\(1\)](#).

Likewise, applicants must use the online application to correct or amplify the information appearing in the following types of registrations:

- A registration for a compilation, a collective work, or a derivative work.
- A registration for an unpublished collection. *See* ~~37 C.F.R. § 202.3(b)(4)(i)(B)~~; [See 37 C.F.R. § 202.6\(e\)\(1\)](#).
- A registration for a unit of publication. *See* 37 C.F.R. § 202.3(b)(4)(i)(A); [37 C.F.R. § 202.6\(e\)\(1\)](#).

- A registration for a group of serials. See 37 C.F.R. § 202.3(b)(6); See 37 C.F.R. § 202.4(d); 37 C.F.R. § 202.6(e)(1).
- A registration for a group of newspapers ~~or newsletters.~~ See 37 C.F.R. § 202.3(b)(7); (94(e); 37 C.F.R. § 202.6(e)(1).
- A registration for a group of newsletters. See 37 C.F.R. § 202.4(f); 37 C.F.R. § 202.6(e)(1).
- A registration for a group of contributions to periodicals. See 37 C.F.R. § 202.4(g); 37 C.F.R. § 202.6(e)(1).
- A registration for a group of secure test items. See 37 C.F.R. § 202.13; 37 C.F.R. § 202.4(k).
- A registration for a group of unpublished photographs or a group of published photographs. See 37 C.F.R. § 202.4(h)-(i); 37 C.F.R. § 202.6(e)(1).

Applicants must use the online application to correct or amplify the information in a group registration for a database that predominantly consists of photographs. See 37 C.F.R. § 202.3(b)(5). But before submitting the claim, the applicant must contact the Visual Arts Division at (202) 707-8202 to obtain prior authorization and instructions concerning the information that should be included in the application. See 37 C.F.R. § 202.6(e)(4).

Similarly, applicants must use the online application to correct or amplify the information in a registration for a group of unpublished works. See 37 C.F.R. § 202.4(e)(2). But before submitting the claim, the applicant must contact the Office of Registration Policy & Practice at the address listed in Section 1802.8(A) to obtain prior authorization and instructions concerning the information that should be included in the application.

By contrast, applicants must use a paper application submitted on Form CA to correct or amplify the information appearing in the following types of registrations:

- A group registration for a database that does not predominantly consist of photographs. See 37 C.F.R. § 202.3(b)(5); 37 C.F.R. § 202.6(e)(34).
- A GATT registration for a foreign work restored to copyright protection under the Uruguay Round Agreements Act. See 37 C.F.R. § 202.12; 37 C.F.R. § 202.6(e)(34).
- A renewal registration for a work registered or first published before January 1, 1978. See 37 C.F.R. § 202.17 ; 37 C.F.R. § 202.6(e)(34).

For guidance in completing Form CA, see Section 1802.8(B).

*See generally* [Supplementary Registration, 82 Fed. Reg. 27,424 \(June 15, 2017\)](#); [Supplementary Registration, 81 Fed. Reg. 86,656, 86,660 & n.26 \(Dec. 1, 2016\)](#).

**1802.8(A) Completing the Online Application**

This Section provides guidance for completing the online application for supplementary registration.

As discussed in Section 1802.8, applicants must use the online application in most cases. Applicants may submit a paper application only when correcting or amplifying the information in a renewal registration, a GATT registration, or a registration for a database that does not consist predominantly of photographs. If an applicant attempts to use a paper application to correct or amplify any other type of registration, the U.S. Copyright Office will refuse registration and instruct the applicant to resubmit the claim using the online application. [37 C.F.R. § 202.6\(e\)\(34\)](#); Supplementary Registration, 81 Fed. Reg. 86,656, 86,658 (Dec. 1, 2016).

**NOTE:** In exceptional cases, the U.S. Copyright Office may waive the online filing requirement, subject to such conditions that the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant. An applicant may submit a request to waive this requirement in writing. It should explain why the applicant is unable to use the online application, and it should be sent to the following address:

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

See [37 C.F.R. § 202.6\(e\)\(78\)](#); Supplementary Registration, 82 Fed. Reg. 27,424, 27,428 (June 15, 2017).

**1802.8(A)(1) Eligibility Requirements**

To seek a supplementary registration with the online application, the applicant should begin by clicking the ~~term “Supplementary~~ phrase **“Correct or Amplify an Existing Registration,”** which appears on the home page of the electronic registration system.

The system will generate a brief statement that describes the eligibility requirements for this application. If these requirements have been met, the applicant should check the box that appears next to the following statement: “I agree that I have read, understood, and meet all eligibility requirements described above for filing a Supplementary Registration.”

**1802.8(A)(2) Identifying the Basic Registration**

The applicant must identify the basic registration that will be corrected or amplified by the supplementary registration. 17 U.S.C. § 408(d). Specifically, the applicant must provide the following information on the Original Registration screen:

- *Registration number for the basic registration.* This number appears on the certificate for the basic registration, and it typically begins with two or three letters,

such as “VA” or “VAu.” The applicant should provide this number in the field marked “Registration Number of Basic Registration (e.g. TXu003234533).”

- *Year of registration for the basic registration.* This information appears on the certificate for the basic registration under the heading marked effective date of registration. The applicant should provide this information in the field marked “Year of Basic Registration (YYYY).”

If the applicant fails to complete these fields, the application will not be accepted by the electronic registration system.

When providing the registration number for the basic registration, the U.S. Copyright Office strongly encourages applicants to use the format described below. This will facilitate the examination of the claim and prevent unnecessary delays.

Specifically, the registration number should consist of a twelve-character string without spaces or hyphens. For published registration numbers, enter two letters followed by ten digits. For unpublished registration numbers, enter three letters followed by nine digits. Every letter of the alphabetic prefix should be capitalized and zeroes should be inserted between the prefix and the numerical portion of the registration number so that it contains a total of twelve characters.

For instance, the proper format for a registration for a [published](#) sound recording consisting of the prefix “SR” and the numbers “123-4-567” would be “SR0001234567.”

*Examples:*

- VAu 123-456 should be entered as VAU000123456.
- VA 1-357-911 should be entered as VA0001357911.

If the applicant includes spaces, hyphens, or other punctuation in the registration number (instead of using the format described above), the Office will remove these characters and convert the number to the preferred format, which may delay the registration decision.

### **1802.8(A)(3) Identifying the Work(s) Covered by the Basic Registration**

The U.S. Copyright Office has established various categories for the purpose of registering works of authorship. These categories are merely administrative classifications that do not affect the subject matter of copyright or the exclusive rights in a work. *See* 17 U.S.C. § 408(c)(1).

When completing the online application, the applicant should identify the category that best describes the work(s) covered by the basic registration. These categories are listed on the Original Registration screen under a drop down menu marked Type of Work. Once a selection has been made, the system will provide a brief description and representative examples of the types of works that may be registered within each

category. If the applicant fails to make a selection, the application will not be accepted by the electronic registration system.

The applicant should exercise care and judgment when completing this portion of the application. The selection will dictate the options for correcting or amplifying the information that appears in the basic registration. And if the claim is approved, it will determine the registration number that will be assigned to the supplementary registration.

Once a selection has been made, the Type of Work field cannot be changed unless the applicant discards the application and starts over again. If the applicant selects a category that does not match the works covered by the basic registration, the registration specialist may communicate with the applicant or refuse to issue a supplementary registration.

- Select *Literary Work* if the registration number assigned to the basic registration begins with the letters TX or TXu, and if the registration covers a work that explains, describes, or narrates a particular subject, theme, or idea through the use of narrative, descriptive, explanatory, or instructional text (rather than dialog or dramatic action). Examples of works that fit within this category include fiction, nonfiction, poetry, short stories, memoirs, textbooks, reference works, directories, catalogs, advertising copy, as well as computer programs. For additional information concerning this category, see Chapter 700, Section 703.
- Select *Work of the Visual Arts* if the registration number assigned to the basic registration begins with the letters VA or VAu, and if the registration covers a pictorial, graphic, or sculptural work. This category includes two-dimensional and three-dimensional works of fine, graphic, or applied art; prints and art reproduction; maps, and technical drawings. Examples of works that fit within this category include drawings, illustrations, posters, logos, sculptures, jewelry designs, fabric designs, wallpaper designs, and architectural works. For additional information concerning this category, see Chapter 900, Sections 903.1 and 903.2.
- Select *Work of the Performing Arts* if the registration number assigned to the basic registration begins with the letters PA or PAu, and if the registration covers a musical work, a dramatic work, a pantomime, or a choreographic work. Examples of works that fit within this category include songs, musical arrangements, stage plays, screenplays, scripts, treatments, and ballets. For additional information concerning this category, see Chapter 800, Sections 802, 804, 805, and 806.
- Select *SoundingSound Recording* if the registration number assigned to the basic registration begins with the letters SR or SRu, and if the registration covers a sound recording. Examples of works that fit within this category include a recording of a singer performing a song or an audiobook, podcast, or live concert recording. Likewise, the applicant should select this option if the registration covers both a sound recording and the underlying work embodied in that recording, such as a registration that covers a song and a recording of a musician performing that song. For additional information concerning this category, see Chapter 800, Section 803.

**NOTE:** To add a claim in “sound recording” to a basic registration for a musical work, dramatic work, or literary work, the applicant should select the option for *Sound Recording* – even if the basic registration begins with the letters PA, Pau, TX, or TXu. For information concerning this type of correction or amplification, see Section [1802.6\(I\)](#). If the 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. For information concerning this procedure, see Section [1807.4\(A\)](#).

- Select *Motion Picture/Audiovisual Work* if the registration number assigned to the basic registration begins with the letters PA or PAu, and if the registration covers a feature film, documentary film, animated film, television show, video, videogame, or other audiovisual work, such as a slide presentation. For additional information concerning this category, see Chapter 800, Sections 807 and 808.
- When correcting or amplifying a basic registration for a compilation, a collective work, or a derivative work, the applicant should select the category listed above that best describes that work and the original registration number. For additional information concerning these types of works, see Chapter 500, Sections 507 through 509.
- When correcting or amplifying a basic registration for an *unpublished collection* or a *unit of publication*, the applicant should select the category listed above that best describes the works included within that collection or unit and the original registration number. For additional information concerning these types of registrations, see Chapter 1100, ~~Sections 1106 and 1107.~~
- Select *Single Serial Issue* if the registration number assigned to the basic registration begins with the letters TX, and if the registration covers a single issue of a serial publication. A serial is a work that is issued in successive parts bearing numerical or chronological designations and is intended to be continued indefinitely. Examples include a single issue of a newspaper, magazine, bulletin, newsletter, annual, journal, and other similar works. Examples of works that do not fall within this category include episodes of a television series, a series of online videos, a collection of musical works, a group of manuscripts, an assortment of poetry, or a set of advertising copies. For additional information concerning this category, see Chapter 700, Section 712.
- Select *Serial Issues* if the basic registration begins with the letters TX, and if it is a group registration that covers two or more issues of a serial publication. For information concerning this group registration option, see Chapter 1100, Section ~~1109~~[1107](#).
- Select *Daily Newspapers* if the basic registration begins with the letters TX, and if it is a group registration that covers a month of issues from the same newspaper. For information concerning this group registration option, see Chapter 1100, Section ~~1110~~[1108](#).
- Select *Daily Newsletters* if the basic registration begins with the letters TX, and if it is a group registration that covers multiple issues from the same newsletter. For

information concerning this group registration option, see Chapter 1100, Section ~~1111~~1109.

- Select *Contributions to Periodicals TX* if the basic registration begins with the letters TX, if it is a group registration that covers a group of contributions that were first published in a periodical, and if the contributions primarily contain nondramatic text. Examples of contributions that fit within this category include articles, news stories, columns, features, reviews, editorials, essays, fiction, verse, quizzes, puzzles, and advertising copy. For information concerning this group registration option, see Chapter 1100, Section ~~1115~~1110.
- Select *Contributions to Periodicals VA* if the basic registration begins with the letters VA, if it is a group registration that covers a group of contributions that were first published in a periodical, and if the contributions primarily contain pictorial or graphic material. Examples of contributions that fit within this category include photographs, drawings, illustrations, cartoons, comic strips, prints, paintings, art reproductions, charts, diagrams, maps, and pictorial advertisements. For information concerning this group registration option, see Chapter 1100, Section ~~1115~~1110.
- Select *Published Photographs* if the basic registration begins with the letters VA, and if it is a registration for a group of published photographs. For information concerning this group registration option, see Chapter 1100, Section 1114.
- Select *Unpublished Photographs* if the basic registration begins with the letters VA, and if it is a registration for a group of unpublished photographs. For information concerning this group registration option, see Chapter 1100, Section 1114.
- Select *Literary Work* if the registration number assigned to the basic registration begins with the letters TX or TXu, and if it is a registration for a group of questions, answers, and other items prepared for use in a secure test.
- The online application may be used to correct or amplify the information in a registration for a group of unpublished works. But before submitting the claim, the applicant must contact the Office of Registration Policy & Practice at the address listed in Section 1802.8(A) to obtain prior authorization and instructions concerning the information that should be included in the application.
- Likewise, the online application may be used to correct or amplify the information in a group registration for a photographic database. But before submitting the claim, the applicant must contact the Visual Arts Division at (202) 707-8202 to obtain prior authorization and instructions concerning the information that should be included in the application. See 37 C.F.R. § 202.6(e)(3); Supplementary Registration, 81 Fed. Reg. 86,656, 86,658 n.9 (Dec. 1, 2016).

#### **1802.8(A)(4) Correcting and/or Amplifying the Basic Registration**

Once the applicant has selected the category that best describes the works covered by the basic registration, the applicant should (i) correct errors that appear in that

registration, and/or (ii) provide information needed to amplify the facts stated in the basic registration. [37 C.F.R. § 202.6\(d\)\(2\)-\(3\)](#).

To do so, the applicant should complete each screen that appears in the online application. When completing these screens, the applicant should provide all of the information that should have been included in the basic registration when it was made. If the registration contains information that is accurate and complete, the applicant should include that same information in the online application.

~~The U.S. Copyright Office is preparing representative examples that will explain how to complete this portion of the application. The *Compendium* will be updated once these examples have been finalized. In the meantime, guidance~~[Guidance](#) for completing the various screens that appear in the online application may be found in the following sections of the *Compendium*:

- For guidance on a supplementary registration involving a *Literary Work*, a *Work of the Visual Arts*, a *Work of the Performing Arts*, a *Sound Recording*, a *Motion Picture/AV Work*, a *Single Serial Issue*, or a *Collective Work*, the applicant should refer to the following sections:
  - Titles screen: *See* Chapter 600, Sections 610.1 through 610.5.
  - Publication/Completion screen: *See* Chapter 600, Sections 611.1 and 612.6.
  - Authors screen: *See* Chapter 600, Sections 613.9, 614.1, 615.1(B), 615.2(B), 616.3, 617.6, 618.4, 618.7(A), and 618.7(C).
  - Claimants screen: *See* Chapter 600, Sections 619.12 and 620.9.
  - Limitation of Claim screen: *See* Chapter 600, Section 621.8.
  - Rights & Permissions screen: *See* Chapter 600, Section 622.1.
  - Correspondent screen: *See* Chapter 600, Section 622.2.
  - Mail Certificate screen: *See* Chapter 600, Section 622.4.
  - Special Handling screen: *See* Chapter 600, Section 623.
- For guidance on a supplementary registration involving ~~an unpublished collection or a unit of publication~~, the applicant should refer to Chapter 1100, ~~Sections 1106.3 and 1107.4.~~[Section 1103](#). ~~For guidance on a supplementary registration involving an unpublished collection, the applicant should refer to *Compendium of U.S. Copyright Office Practices* § 1106.3 (3d ed. 2017).~~
- ~~For guidance on a supplementary registration involving a group registration of *Serial Issues*~~[serial issues, the applicant should refer to Chapter 1100, Section 1107.6.](#)
- ~~For guidance on a supplementary registration involving a group registration of *newspaper issues*~~, the applicant should refer to Chapter 1100, Section 1108.7.
- ~~For guidance on a supplementary registration involving a group registration of *newsletter issues*~~, the applicant should refer to Chapter 1100, Section 1109.~~7~~[6](#).
- ~~Guidance for supplementary registrations involving a group registration of *Daily Newspapers* or *Daily Newsletters* will be provided in a future update to the *Compendium*. In the meantime, applicants may obtain assistance by contacting the Literary Division at (202) 707-8250.~~

- For guidance on a supplementary registration involving a group registration of *Contributions to Periodicals*, the applicant should refer to Chapter 1100, Section ~~1115~~1110.7.
- ~~Guidance for~~ For guidance on a supplementary registrations-registration involving a group registration of *Unpublished Photographs* or *Published Photographs* ~~or, the applicant should refer to. Chapter 1100, Section 1114.~~
- For guidance on a supplementary registration involving a group registration for a photographic database ~~will be provided in a future update to the Compendium. In the meantime, applicants may obtain assistance by contacting~~ applicant should contact the Visual Arts Division at (202) 707-8202.
- For guidance on a supplementary registration involving a group registration of Unpublished Works, the applicant should contact the Office of Registration Policy & Practice at the address listed in Section 1802.8(A) for instructions concerning the information that should be included in the application.

#### 1802.8(A)(5) Explanation for the Correction

If the information in the basic registration was incorrect when the registration was made, the applicant should provide the correct information in the relevant portions of the online application. In addition, the applicant should provide a brief statement that identifies and explains the reason for the correction. This statement should be provided on the Certification screen in the field marked Correction Explanation:

- The applicant should identify the section of the basic registration where the incorrect information appears. The applicant may provide the heading for that section, such as “Author Created” or “Material excluded from this claim.” If the spaces on the certificate are numbered, the applicant may also provide the relevant line number, such as “2(a)” or “6(b).”
- The applicant should provide the incorrect information that appears in the basic registration.
- The applicant should provide the correct information that should have been included in the basic registration.

If the changes reflected in the supplementary registration are intended to amplify the information in the basic registration, the applicant should complete the Amplification Explanation field. For guidance in completing this portion of the application, see Section 1802.8(A)(6).

#### 1802.8(A)(6) Explanation for the Amplification

As mentioned above, a supplementary registration may be used to clarify the information that appears in the basic registration, to provide missing information that should have been included in the registration, or to reflect changes that have occurred since the registration was made (other than a change in the ownership of the copyright).

The applicant should provide this information in the relevant portions of the online application. In addition, the applicant should provide a brief statement that identifies and explains the reason for the amplification. This statement should be provided on the Certification screen in the field marked Amplification Explanation:

- The applicant should identify the section of the basic registration that should be amplified. The applicant may provide the heading for that section, such as “Author” or “Copyright Claimant.” If the spaces on the certificate are numbered, the applicant may also provide the relevant line number, such as “4” or “5.”
- The applicant should provide a clear and succinct statement of the information that should be added to the registration record.

If the changes reflected in the supplementary registration are intended to correct the information in the basic registration, the applicant should complete the Correction Explanation field. For guidance in completing this portion of the application, see Section 1802.8(A)(5).

#### **1802.8(A)(7) Certification**

An application for supplementary registration may be submitted 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. [37 C.F.R. § 202.6\(c\)](#).

Before submitting an online application, the applicant must certify the application by providing the following information on the Certification screen:

- The applicant should provide his or her first and last name in the space marked Name of Certifying Individual.
- Using the drop down menu marked Submission Authority, the applicant should specify whether he or she is the author, a copyright claimant, or an owner of one or more of the exclusive right(s) in the work.
- If the applicant is an authorized agent of the author, a copyright claimant, or an owner of the exclusive right(s), the applicant should select that option from the drop down menu and write the name of the party he or she represents in the field marked “Authorized agent of (name).”

The applicant should check the box that reads, “I certify that I am the author, copyright claimant, or owner of exclusive rights, or the authorized agent of the author, copyright claimant, or owner of exclusive rights of this work, that I reviewed the certificate of registration for this work, and that the information given in this application is correct to the best of my knowledge.” There is no need to date the certification; the date will be added automatically when the application is received by the U.S. Copyright Office.

By checking this box, the applicant certifies that the information provided in the application is correct to the best of his or her knowledge. In addition, the applicant

certifies that he or she reviewed the certificate of registration for the basic registration before the application was submitted. *See id.* [§ 202.6\(e\)\(45\)](#).

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(A)(8) Applicant's Internal Tracking Number / Note to Copyright Office**

The applicant may assign an internal tracking number to an online application by completing the field marked Applicant's Internal Tracking Number on the Certification screen.

Providing a tracking number is optional and this feature is intended solely for the applicant's convenience. The U.S. Copyright Office does not use these numbers to keep track of pending applications, although the number will appear on the certificate of supplementary registration.

The applicant may provide any additional information that is relevant to the claim in the field marked Note to Copyright Office. Currently, the total amount of text that may be provided in this field is limited to 25,000 characters.

Statements provided in the Note to Copyright Office field will not appear on the certificate of supplementary registration or the online public record. The Office will maintain a copy of the note in the registration record. If the note contains material information, the specialist may add that information to the registration record with an annotation, or may add a note to the certificate of registration and the online public record indicating that there is correspondence in the file.

#### **1802.8(B) Completing Form CA**

This Section provides guidance for seeking a supplementary registration with a paper application submitted on Form CA.

As discussed in Section 1802.8, Form CA may only be used to correct or amplify the information appearing in a renewal registration, a GATT registration, or a registration for a database that does not consist predominantly of photographs.

If an applicant attempts to use Form CA to correct or amplify any other type of registration, the U.S. Copyright Office will refuse registration and instruct the applicant to resubmit the claim using the online application. *See* [37 C.F.R. § 202.6\(e\)\(1\)-\(34\)](#); [37 C.F.R. § 202.6\(f\)\(2\)](#); [Supplementary Registration, 82 Fed. Reg. 27,424, 27,428 \(June 15, 2017\)](#).

**1802.8(B)(1) 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.

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, and even if that information has been corrected or amplified by an earlier supplementary registration.

**1802.8(B)(2) Space B: Correcting Errors in the Basic Registration**

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

- In the space marked Line Heading or Description, the applicant should provide the heading for the relevant section of the basic registration where the incorrect information appears. If the spaces on the certificate of registration are numbered one to nine, the applicant should also provide 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.”

*Examples:*

- Lauren O’Neill published and registered her book of poems in 1971. In 2000, the U.S. Copyright Office issued a renewal registration for this work. Lauren later notices that her name is misspelled as “Lawren” on the certificate for the renewal registration. The error appears in the “Author” space and the “Renewal Term Ownership Information, Name of Statutory Claimant” space. Lauren may correct this error by providing the following information in space B of Form CA:
  - *Line Number:* n/a.
  - *Line Heading or Description:* Work or Material Claimed and Author Information, Renewal Term Ownership Information, Name of Statutory Claimant.
  - *Incorrect information:* Lawren O’Neill.
  - *Corrected information:* Lauren O’Neill.
  - *Explanation of correction:* Author’s first name was misspelled.
  
- Steven Albrechtsen was born in Sweden. Steven published a book in Stockholm while he was attending university in another country. Steven failed to renew the copyright at the end of the first term. When the work was restored to copyright protection, he registered his book using Form GATT. Steven correctly stated that he is a Swedish citizen, but incorrectly stated that he was living in Sweden when the work was first published. Steven may correct this error by providing the following information in space B of Form CA:
  - *Line Number:* n/a.
  - *Line Heading or Description:* Author, Domicile.
  - *Incorrect information:* Domicile: Sweden.
  - *Corrected information:* Domicile: Germany.
  - *Explanation of correction:* The author was not living in Sweden when the work was first published; he was living in Germany.
  
- Marco Systems created a database for a client named Multiverse, LLC, and transferred the copyright in this work to that company through a written agreement. In 2014, Multiverse sought a group registration for the initial published version of the database, as well as two months of revisions. The certificate of registration correctly names Multiverse, LLC as the claimant, but incorrectly names that

company as the author of the work. Multiverse 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: Multiverse, LLC; Work made for hire: Yes.
- *Corrected information:* Author: Marco Systems; Work made for hire: No; Transfer statement: By written agreement.
- *Explanation of correction:* The database and its revisions were not made for hire; Marco Systems should have been named as the author. Multiverse, LLC obtained the copyright in this database and its updates from the author by written agreement.

**1802.8(B)(3) 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**

As mentioned above, a supplementary registration may be used to clarify the information that appears in the basic registration, to provide missing information that should have been included in the registration, or to reflect changes that have occurred since the registration was made (other than a change in the ownership of the copyright). In such cases, the applicant should provide the following information in space C of Form CA:

- In the space marked Line Heading or Description, the applicant should provide the heading for the relevant section of the basic registration that should be amplified. If the spaces on the certificate of registration are numbered one to nine, the applicant should also provide 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.

*Examples:*

- Danny Nelson registered his song in 1972. After he passed away in 2012, his children, Denise and Donald, filed a renewal registration as statutory claimants. In 2014, Denise married and changed her name. Denise 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:* Renewal Term Ownership Information, Name of Statutory Claimant.
  - *Amplified Information and Explanation of Information:* Renewal Term Ownership Information, Name of Statutory Claimant: Due to marriage, the name of the statutory claimant entitled to claim the renewal term as daughter of the author has changed from Denise Nelson to Denise McArthur.
- In 1985, Kerry Blaire published a play in Israel without a copyright notice. When her play was restored to copyright protection, she registered the work using Form GATT. A year later, Kerry moved to a new address. She may add her new address to the registration record by providing the following information in space B of Form CA:
    - *Line Number:* 4.
    - *Line Heading or Description:* Owner of U.S. Copyright.
    - *Amplified Information and Explanation of Information:* Owner of U.S. Copyright: The Owner of U.S. Copyright’s new address is 6401 Deerfield Lane, Miami, FL 32815.
  - In December 2014, WWX Corporation registered a group of revisions to its published database, but failed to mention that some of the content was previously published in August of that year. WWX may add a disclaimer 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: Some contributions previously published in August 2014.

#### **1802.8(B)(4) Spaces D and E: 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 spaces D and/or E of Form CA. Use space D if you need more room to explain a correction. Use space E if you need more room to explain an amplification.

**1802.8(B)(5) Space F: Contact Information**

In space F, 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 F of Form CA.

**1802.8(B)(6) Space G: Certification**

Form CA must be submitted by an author, a copyright claimant (including a vested owner in the case of a supplementary registration for a renewal registration), an owner of one or more of the exclusive rights in the work, or a duly authorized agent of one of the foregoing persons. [37 C.F.R. § 202.6\(c\)](#).

Before submitting Form CA, the applicant must certify the application on Space G. Specifically, the applicant should provide a handwritten signature under the heading “Handwritten Signature,” and his or her first and last name should be typed or printed in the space marked “Typed or Printed Name and Date.”

The applicant should check one of the boxes on Form CA indicating whether he or she is an author of the work, a copyright claimant, or an owner of one or more of the exclusive right(s) in the work. If the applicant is an authorized agent of the author, copyright claimant, or owner of exclusive right(s), the applicant should provide the name of the party he or she represents. Ordinarily, an application will be accepted if two or more of the boxes in space G have been checked, unless there is reason to question the application.

By signing Form CA, the applicant certifies that the information provided in the application is correct to the best of his or her knowledge. In addition, the applicant certifies that he or she reviewed the certificate of registration for the basic registration before the application was submitted. *See id.* [§ 202.6\(e\)\(45\)](#).

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(B)(7) Space H: 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. This information should be provided in space H 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 H of Form CA. 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(C) 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 "Supplementary registration: electronic filing or paper filing." For information concerning the methods for paying this filing fee, see Chapter 1400, Sections ~~1403~~[1412.4](#) and ~~1403~~[1412.5](#).

As a general rule, the filing fee is not refundable, regardless of whether the Office issues a supplementary registration. [37 C.F.R. § 201.6\(c\)](#). The Office will issue a refund if the Office determines that the error in the basic registration was caused by its own action or mistake. See Section 1802.9(A).

### **1802.8(D) Copy of the Certificate of Registration for the Basic Registration**

As discussed in Sections 1802.8(A)(7) and 1802.8(B)(6), the applicant must certify that he or she reviewed the certificate of registration for the basic registration before seeking a supplementary registration. [37 C.F.R. § 202.6\(e\)\(45\)](#).

If the applicant does not have a copy of the certificate, he or she may request a copy from the Records Research and Certification Section. For information concerning this procedure, see Chapter 2400, Section 2408.

As discussed in Section 1802.9(C), the applicant does not need to submit a copy of the certificate unless the registration specialist specifically asks the applicant to do so.

### **1802.8(E) Deposit Copy(ies) Not Required**

As discussed in Section 1802.8(A), the applicant should not submit copy(ies) of the work unless the registration specialist specifically instructs the applicant to do so. See [37 C.F.R. § 202.6\(e\)\(~~67~~\)](#); see also Section 1802.9(D).

## **1802.9 Examination Guidelines**

### **1802.9(A) Errors Caused by the U.S. Copyright Office**

If the Office discovers an error in a basic registration, and determines that the error was caused by its own action or mistake, the Office will take appropriate measures to correct the registration record. This procedure is known as a "referral." In this situation, the Office will refund the filing fee without issuing a supplementary registration. See [37 C.F.R. § 202.6\(a\)](#); Supplementary Registration, 81 Fed. Reg. 86,656, 86,660 (Dec. 1, 2016).

For more information concerning referrals, see Section 1804.

**1802.9(B) Identifying the Basic Registration**

If the applicant fails to provide all of the information requested in the application for supplementary registration or fails to include relevant information that appears in the basic registration, the registration specialist may add or correct that 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) Examination of the Certificate of Registration for the Basic Registration**

When the U.S. Copyright Office receives an application for a supplementary registration, the registration specialist will compare the information in the application with the information in the basic registration. If the Office has a digital copy of the certificate of registration, the specialist should be able to conduct his or her review without obtaining a physical copy of the certificate. If the supplementary registration corrects or amends a registration that is not available in digital form, the specialist will ask the applicant to submit a copy of the certificate via email. If the applicant is unable to do so, the Office will charge an additional fee to make a physical copy of the certificate. This fee is set forth in the Office’s fee schedule under the heading “Additional certificate of registration.” See [37 C.F.R. §§ 201.3\(c\)\(12\), 201.6\(e\)\(5\)](#); Supplementary Registration, 81 Fed. Reg. 86,656, 86,659 (Dec. 1, 2016).

**1802.9(D) 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(E) 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 with one application for supplementary registration.

If the applicant provides the corrected or amplified information in the wrong field/space of the application (such as using the amplification field to identify an error in

the basic registration), the registration specialist may issue a supplementary registration without communicating with the applicant. 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 the online application:
  - *Individual Author/First, Middle, Last Name:* Farida Khan.
  - *Rights & Permissions Information/Address, City, State, Postal Code:* 1800 JFK Boulevard, Philadelphia, PA 19101.
  - *Correction Explanation:* Author’s first name given incorrectly.
  - *Amplification Explanation:* The address for rights and permissions has been changed to 1800 JFK Boulevard, Philadelphia, PA 19101.

### **1802.9(F) Certification Requirements**

The registration specialist will review the application for supplementary registration to confirm that the applicant 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.

When examining an application submitted on Form CA, 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 G of Form CA and resubmit the application.

On occasion, applicants submit an application for supplementary registration without reviewing the information in the basic registration. In some cases, applicants review the records that are posted on the U.S. Copyright Office’s online database, but those records do not contain all the information that appears in the certificate of registration for a

particular work. This may create a discrepancy between the registration record and the changes proposed in the application for supplementary registration.

As discussed in Sections 1802.8(A)(7) and 1802.8(B)(6), the individual who certifies the application must certify that he or she reviewed the certificate of registration for the basic registration. If it appears that this individual did not review the certificate before seeking a supplementary registration, the registration specialist may ask the applicant to resubmit the claim or may refuse registration.

See [37 C.F.R. § 202.6\(e\)\(45\)](#); Supplementary Registration, 81 Fed. Reg. 86,656, 86,660 (Dec. 1, 2016).

### **1802.9(G) 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, the Office may decline to issue a supplementary registration until the applicant has confirmed in writing that the dispute has been resolved. For example, 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. Similarly, the Office may decline to issue a supplementary registration if it seems likely that the proposed change, correction, or amplification may confuse or complicate the pending dispute.

*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 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. As a result, the Office may decline to issue a supplementary registration until the dispute has been resolved.

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 to that registration. Similarly, the Office may issue a supplementary registration if the proposed change does not appear to 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 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 1808.

**1802.9(H) 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 correspondent named in 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(I) 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 1807.

**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 the application. But 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 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. 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. § 202.6\(f\)\(1\)](#).

#### **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 identify the basic registration that needs to be corrected or amplified and completes the relevant fields/spaces in the application, 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 assign an effective date of registration if the changes proposed in the application are improper. *See* Sections 1802.5 through 1802.7(H). Likewise, the Office cannot assign 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 if the Office subsequently determines that the registration should not have been issued, 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 (i) whether the changes made by the supplementary registration are material, and (ii) whether those changes should or should not be deemed effective as of the date that the basic registration was made or the date that the supplementary 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 an individual as the author of the work, and names a different individual or legal entity as the copyright claimant, the author may file a separate application naming himself or herself as 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 cannot correct this error with a supplementary registration. Instead, the applicant must submit a new application for a new basic registration, together with the proper filing fee and deposit copies for the published edition of the work.
- *Derivative work issues:* If a work has been changed or revised since it was registered, the changes or revisions cannot be added to the registration record with a

supplementary registration. Likewise, the Office will not issue a supplementary registration for an entirely new work that has not been registered before (even if it is based on a previously registered work). In such cases, the applicant should submit a new application for a basic registration together with the proper filing fee and deposit copy(ies) for the derivative work.

- *Adverse claims:* If the applicant contends that the basic registration is invalid because it was filed by or on behalf of a party who was not authorized to register the copyright or names the wrong author(s) and/or claimant(s), the applicant should assert an adverse claim. Specifically, the applicant should file a competing application providing the name(s) of the party(ies) who should have been named as the correct author(s) and/or copyright claimant(s). See 37 C.F.R. § 202.3(b)(11)(iii). For information concerning this procedure, see Section 1808.

Ordinarily, the registration number and year of registration for the previous 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). But 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. But 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 U.S. Copyright Office discovers an error or omission in a registration record that was caused by its own action or mistake, the Office will correct the record on its own initiative. [37 C.F.R. § 202.6\(a\)](#). This procedure is known as a “referral.” If appropriate, the Office will issue a new certificate of registration containing the correct or missing information, update the online public record for the claim, and cancel any erroneous registrations that should not have been issued.

By contrast, if the applicant asks the Office to correct an error or omission that was caused by the applicant's action or mistake, the Office will not correct the record through the referral procedure – even if the registration specialist should have recognized that error or omission when he or she examined the claim. Instead, the author, the claimant, or one of the other parties listed in Section 1802.1 must submit an application for a supplementary registration, or a new basic registration (if appropriate), together with the requisite filing fee. *See* Supplementary Registration, 81 Fed. Reg. 86,656, 86,660-61 (Dec. 1, 2016).

There is a limited exception to this rule. If a social security number, driver's license number, credit card number, or bank account number 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, instead of filing an application for supplementary registration. 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. *See* 37 C.F.R. § 201.2(f). Likewise, if the Office discovers this type of information entirely on its own, it will remove that information from the registration record without communicating with the applicant. *See* Removal of Personally Identifiable Information From Registration Records, 82 Fed. Reg. 9004, 9005 (Feb. 2, 2017).

For information concerning the procedure for removing and replacing other types of personally identifiable information that may appear in the online public record, see Section 1805.

## **1805 Removal of Personally Identifiable Information**

The U.S. Copyright Office may collect certain personally identifiable information (PII) as part of the copyright registration application, including home addresses, personal telephone and fax numbers, and personal email addresses. This information may be included in the online public record maintained by the Office.

In general, an author, claimant of record, or the authorized representative of the author or claimant of record may submit a request to remove or replace certain information in the online public record. This procedure only applies to PII that is requested by the Office as part of the registration process. For information about the Office's policy for handling extraneous PII, such as driver's license numbers, social security numbers, banking information, or credit card information, see Section 1804.

A properly submitted request will be reviewed by the Associate Register of Copyrights and Director of the Office of Public Information and Education to determine whether the request should be granted or denied. The Office's decision to grant or deny the request will be made in writing and will be sent to the address indicated in the request.

If the request is granted, the Office will remove the information from the online public record. Where substitute information is required and has been provided, the Office will add that information to the online public record. In addition, the Office will add a note indicating that the online record has been modified, and will issue a new certificate of

registration that reflects the modified information. The Office will maintain a copy of the original registration record in its offline records.

If a request to remove PII is denied, the requesting party may request reconsideration using the procedure described in Section 1805.4.

### 1805.1 Form of Request

A request to remove PII must be made in writing. It should be clearly labeled as a “Request to Remove PII,” and it must include the following information:

- The copyright registration number(s) associated with the record(s).
- The name of the author and/or claimant of record on whose behalf the request is made.
- A statement identifying the specific PII that is to be removed or replaced.

**NOTE:** If the request involves the name of the author or claimant or the claimant’s address, see Sections 1805.1(A) and 1805.1(B) for additional guidance.

- Verifiable substitute non-personally-identifiable information that should replace the PII to be removed, where applicable.
- A statement providing the reasons supporting the request.

**NOTE:** If the request does not include verifiable substitute non-personally-identifiable information, see Section 1805.1(C) for additional guidance.

- The statement “I declare under penalty of perjury that the foregoing is true and correct.”
- If the request is submitted by an authorized representative of the author or claimant of record, an additional statement that “I am authorized to make this request on behalf of [name of author or claimant of record].”
- A telephone number.
- An email address (if available).
- A physical mailing address to which the Office’s response may be sent (if no email address is provided).

The request must be signed and dated by the author, claimant of record, or the duly authorized agent of the author or claimant of record. It must be accompanied by the filing fee described in Section 1805.2, and these items must be sent to the address specified in Section 1805.3.

*See generally* 37 C.F.R. § 201.2(e)(3).

**1805.1(A) Name Change Requests**

Requests to substitute the name of an author or claimant with that person's current legal name must be accompanied by a copy of the official documentation of the legal name change. 37 C.F.R. § 201.2(e)(2)(iii).

In no case will the U.S. Copyright Office remove the name of an author or claimant from the online public record. Similarly, the Office will not replace the name of an author or claimant with a pseudonym. *Id.*

Under the Copyright Act, works by anonymous and pseudonymous authors have different terms of copyright protection than works by authors whose real name is revealed in the Office's records. The term for works by anonymous and pseudonymous authors is 95 years following the year of first publication, or 120 years following the year of creation, whichever term expires first. The term for works by authors whose legal names are revealed in the Office's records is the life of the author plus 70 years. 17 U.S.C. §§ 302(a), 302(c). In addition, the Act specifically contemplates that if the real name of the author of an anonymous or pseudonymous work is identified in the Office's records during the term of protection, that work will receive a term of life plus 70 years. *Id.* § 302(c). If the Office removed the author or claimant's real name from the online public record, or replaced that name with a pseudonym, it would be contrary to the statutory scheme established by Congress and would likely create confusion regarding the term of copyright protection for the work. *See Removal of Personally Identifiable Information From Registration Records*, 81 Fed. Reg. 63,440, 63441-42 (Sept. 15, 2016).

**1805.1(B) Claimant Address Change Requests**

Requests to remove the address of a copyright claimant must be accompanied by a verifiable substitute address. 37 C.F.R. § 201.2(e)(2)(ii). Removing the claimant's address from the online public record would impede the public's ability to contact a copyright owner to obtain permission to use the work. Therefore, the U.S. Copyright Office will not remove this information unless a verifiable substitute address is provided. *Id.*; *see also Removal of Personally Identifiable Information From Registration Records*, 81 Fed. Reg. 63,440, 63441 (Sept. 15, 2016).

**1805.1(C) Requests Submitted without Verifiable Substitute Information**

In general, the U.S. Copyright Office will grant a request to remove PII when the requesting party provides verifiable, non-personally-identifiable substitute information, unless the Office determines that the need to maintain the original information in the public record substantially outweighs the safety, privacy, or other concern stated in the request.

When a requesting party does not provide verifiable substitute information, the Office may grant the request only if the safety, privacy, or other stated concern substantially outweighs the need for the information to remain in the public record. In such cases, the requesting party must explain in detail why the presence of PII in the online public catalog presents a specific threat to the individual's personal safety or personal security, or presents other circumstances that support the request. 37 C.F.R. § 201.2(e)(3)(vi).

## 1805.2 Filing Fees

The requesting party must submit the appropriate filing fee together with the request to remove PII or a request for reconsideration. 37 C.F.R. § 201.2(e)(3). The current filing fees are set forth in the U.S. Copyright Office's fee schedule in the field marked "Removal of PII from Registration Records."

The requesting party must pay a separate fee for each registration record specified in the request. *See* 37 C.F.R. § 201.3(c)(19). In the case of a request for reconsideration the requesting party may pay a flat fee, regardless of the number of registration records involved.

Fees may be paid by check, money order, or bank draft payable to the U.S. Copyright Office, or they may be charged to a deposit account. For more information regarding acceptable forms of payment, see Chapter 1400, Section ~~1403~~1412.4.

## 1805.3 Address for Delivery

A request to remove PII may be delivered to the U.S. Copyright Office by mail. The request should be addressed on the outside of the envelope as follows:

Associate Register of Copyrights and Director of the Office of Public Information  
and Education  
U.S. Copyright Office  
P.O. Box 70400  
Washington, DC 20024-0400

## 1805.4 Requests for Reconsideration

If the request for removal of PII is denied, the requesting party may submit a request for reconsideration of that decision. However, the U.S. Copyright Office will consider only one request for reconsideration for each denial.

The request must be made in writing and it must specifically address the reasons for denying the request for removal. The request must be made within thirty days from the date set forth in the denial letter, and it should be clearly labeled as a "Request for Reconsideration of a Denial of a Request to Remove PII." The request must be accompanied by the non-refundable filing fee described in Section 1805.2, and these items must be sent to the address specified in Section 1805.3.

37 C.F.R. § 201.2(e)(7).

## 1805.5 No Expedited Review

Special handling is a procedure for expediting the examination of an application to register a claim to copyright or the recordation of a transfer or other document pertaining to copyright. The U.S. Copyright Office offers this service in certain circumstances where a copyright owner or other interested parties have a compelling reason for the expedited issuance of a certificate. However, the Office will not grant a

request for special handling in connection with a request to remove PII or a reconsideration of such a request.

## **1806 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.

## **1807 Cancellation**

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

### **1807.1 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 1807.4(B) through 1807.4(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 1807.4(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.*

### **1807.2 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.

### **1807.3 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 1807.4(A).
- A check received in payment for the filing fee was returned to the Office for insufficient funds. *See* Section 1807.4(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 1807.4(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 1807.4(D).

*See* 37 C.F.R. § 201.7(b)-(c).

### **1807.4 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 & 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).

**1807.4(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). This procedure is known as a “cancellation and substitution” or “can-sub.” In most cases the Office will conduct this procedure on its own initiative and without providing advance notice to the claimant or the correspondent named in the registration.

When selecting the appropriate class for the new registration, the Office will consider the predominant type of authorship that appears in the work. The applicant’s preferences will not be considered.

When the Office issues a cancellation and substitution, it will cancel the initial registration and will add a note to the public record to reflect this change. Then it will create a public record for the new registration and will send a 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.

**1807.4(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).

#### **1807.4(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 send 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).

**1807.4(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 may communicate with the correspondent and/or the copyright claimant.

In such cases, the Office will send 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 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 Office issued a registration for a group of related works, but subsequently determines that the applicable requirements for that option have not been met.
- 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).

#### **1807.4(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 and will provide the claimant with a copy of that request. 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 and will provide him with a copy of the letter. 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 and will provide the claimant with a copy of the letter.

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.

#### **1807.4(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 1807.4(E) above. *See Brownstein v. Lindsay*, 742 F.3d 55, 75 (3d Cir. 2014) ("Courts have no authority to cancel copyright registrations because that authority resides exclusively with the Copyright Office.").

#### **1807.5 [Reserved]**

#### **1808 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. In addition, the Office may ask each party to notify the registration specialist if that party does not wish to proceed with his or her application. If so, that party should submit a request to withdraw his or her application using the procedure described in Chapter 200, Section 208. If a party does not respond to the Office's inquiry, the Office will proceed with the examination of that party's application.

In most cases, 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.