



# ***Requesting Reconsideration of a Refusal to Register a Copyright, Mask Work, or Vessel Hull Claim***

## **Copyright Claims**

As required by copyright law, the Copyright Office notifies applicants in writing if their copyright claims cannot be registered and explains the reasons for denying the claims. When registration is refused, there is a two-tiered administrative procedure for requesting that the Office review an application again and reconsider the adverse decision. Note that the Office's refusal to register a claim does not bar an applicant from filing suit for infringement of the claim under section 411(a) of the copyright law.

To request reconsideration, an applicant must follow the Copyright Office's administrative procedures. This document describes some of the major requirements. For additional details, see 37 C.F.R. §202.5.

## **Mask Work and Vessel Hull Claims**

The Copyright Office is also responsible for registering intellectual property claims in mask works and vessel hull designs. The administrative procedures described in this document apply to refusals to register these other types of claims as well. For details, see 37 C.F.R. §211.7 and §212.7.

## **Requirements**

Both first and second requests must

- 1 be in writing;
- 2 set forth reasons why the claim should be registered, including any arguments that the registration was refused improperly;
- 3 be postmarked or dispatched to the Copyright Office no later than three months after the date that appears on the Office's written refusal to register a claim;
- 4 be addressed to  
*U.S. Copyright Office  
Receipt Analysis and Control Division  
P.O. Box 71380  
Washington, DC 20024-1380;*
- 5 include on the first page the Copyright Office control number or the service request number for the claim (if known) and clearly indicate either "first reconsideration" or "second reconsideration" as appropriate on the subject line; and
- 6 include the appropriate fee (see notes on page 2 of this document), depending on whether a request is for a first or a second reconsideration.

**NOTE:** To expedite delivery, write "reconsideration" on the outside of your envelope or package so it is clearly visible to mail routers.

The Copyright Office will notify applicants in writing of its decisions on both first and second requests for reconsideration and will explain its reasoning.

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***First Request for Reconsideration:*** The Copyright Office's Registration Program reviews the first request for reconsideration. If the program upholds a refusal to register a claim, an applicant can submit a second request for reconsideration.

**NOTE:** The fee for a first request for reconsideration is \$250.

***Second Request for Reconsideration:*** The Copyright Office's Board of Review considers the second request for reconsideration. The board consists of the Register of Copyrights, the Office's general counsel, and its associate Register for registration, or their respective designees. The board's decision constitutes final agency action.

**NOTE:** The fee for a second request for reconsideration is \$500.