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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOVELTY TEXTILE, INC.,

Plaintiff,

vs.

AMAZON.COM, INC. ET AL.,

Defendants.

CV 21-3713-RSWL-DFMx

**RESPONSE OF THE REGISTER
OF COPYRIGHTS TO REQUEST
PURSUANT TO 17 U.S.C.
§ 411(b)(2)**

On March 15, 2023, pursuant to 17 U.S.C. § 411(b)(2), the Court requested advice from the Register of Copyrights (the “Register”) on the following questions:

(1) Would the Register of Copyrights have refused Plaintiff’s Copyright Registration No. VA 1-821-202 if the Register of Copyrights had known that:

(a) Although Plaintiff did not identify the work as being a derivative work, Plaintiff used the Bernini Design [] as the source design that Plaintiff modified to create the Design?

1 (b) Although Plaintiff did not identify the work as being a derivative
2 work, Plaintiff had purchased the rights to the Bernini Design which it
3 based the Design on?

4 (2) If the Register of Copyrights opines that it would have refused
5 Plaintiff's Copyright Registration No. VA 1-821-202, would the
6 Register of Copyrights accept a supplementary registration by Plaintiff
7 pursuant to §§ 1802.2; 1802.6(J) of the Compendium despite Plaintiff
8 failing to disclose its use of the Bernini Design?¹

9 The Register hereby submits her response. Based on the legal standards and
10 examining practices set forth below, the U.S. Copyright Office ("Copyright
11 Office" or "Office") would have acted as follows with respect to the identified
12 artwork if it had known the facts identified by the Court:

13 (1) Had the Office known that Plaintiff used the Bernini Design as the
14 source design and modified it to create Plaintiff's Design, the Office would have
15 refused to register the work that is the subject of Plaintiff's Copyright Registration
16 No. VA 1-821-202. The Office also would have refused registration for Plaintiff's
17 Design had it known that Plaintiff had purchased the rights to the Bernini Design,
18 upon which Plaintiff's Design is based.

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23 ¹ Req. to the Register of Copyrights Pursuant to 17 U.S.C. § 411(b)(2) at 3
24 ("Request"), ECF No. 88. The Court requested a response from the Register in
25 approximately thirty days. *Id.* at 4. On April 3, 2023, the Court granted the
26 Register's request for an additional thirty-one days to submit her response. Order
Extending the Time for the Register of Copyrights to Comply with the Court's
Req. to the Register (ECF 88) at 1, ECF No. 92.

1 (2) However, the Office would accept a supplementary registration filed by
2 Plaintiff to correct the omission in the original application and exclude the Bernini
3 Design.

4 **BACKGROUND**

5 **I. Examination History**

6 A review of the records of the Copyright Office reveals the following:

7 **A. *Original Registration Application***

8 On February 28, 2012, the Copyright Office received an application to
9 register twenty-six works² titled “Novelty 2264, 2265, 2266, 2268, 2269, 2270,
10 2271, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284,
11 2285, 2287, 2288, 2290, 2291, 2292.”³ The works comprised twenty-six designs,
12 including a design identified as file name “Novelty 2271” (“Subject Design”),
13 which is the design at issue in the Request. The application identified Novelty
14 Textile, Inc. (“Plaintiff”) as the sole author and claimant. The application stated
15 that the designs were completed in 2012 and first published in the United States on
16

17 ² As a general rule, each registration covers one individual work, and an
18 applicant should prepare a separate application, filing fee, and deposit for each
19 work that is submitted for registration. Copyright Office regulations at the time of
20 Novelty Textile, Inc.’s application, however, included an option to register “all
21 copyrightable elements that are otherwise recognizable as self-contained works,
22 that are included in a single unit of publication, and in which the copyright
23 claimant is the same.” 37 C.F.R. § 202.3(b)(4)(A) (2012). In correspondence
24 regarding the application, a representative of Novelty Textile, Inc. confirmed that
25 the designs were marketed and presented to clients “in groups” as “a grouped
26 pattern.” Email from Alice Kang, Novelty Textile, Inc., to U.S. Copyright Office
(May 31, 2012). Based on this information, the Office deemed the submitted
designs a “single unit of publication.” 37 C.F.R. § 202.3(b)(4)(A) (2012).

³ One design, submitted as file name “Novelty 2272.jpg,” is missing from the
title.

1 February 8, 2012. Based on the information provided in the application, along
2 with Plaintiff’s representations, the Office registered the designs on July 6, 2012
3 under registration number VA0001821202 (the “Registration”), with an effective
4 date of registration (“EDR”)⁴ of February 28, 2012. The Office had no reason to
5 question Plaintiff’s representations and accepted them as true and accurate.

6 ***B. Pending Supplementary Registration Application***

7 On December 19, 2022, the Copyright Office received a supplementary
8 registration application to augment the information contained in the Registration,
9 identified as service request number 1-12033979668. Specifically, Plaintiff sought
10 to limit the copyright claim by identifying material to be excluded from the claim,
11 described as “2-D artwork.” In the application, Plaintiff explained that the “[n]on-
12 attorney Claimant did not believe that it was supposed to list the name or domicile
13 of [the] author of [the] source work from which [the] registered work was derived
14 because Claimant purchased and was assigned all rights in and to the source work
15 before the registration and thereafter modified the source work to create the
16 registered work.”

17 As explained below, the Office has stayed its consideration of the
18 supplementary registration application due to the ongoing litigation regarding the
19 Registration and notice of the Court’s Request.

20 **II. The Court’s Request**

21 In the Order attached as an exhibit to the Request, the Court determined that
22 Shenzhen Liyi E-Commerce Co. Ltd. (“Defendant”) plausibly alleged that
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25 ⁴ The EDR is the date that the Office received a completed application, the
26 correct deposit copy, and the proper filing fee.

1 “inaccurate information was knowingly included in Plaintiff’s application.”⁵
2 Specifically, Defendant alleged that the Subject Design is “unquestionably a
3 derivative work that Plaintiff made by modifying a preexisting design that Plaintiff
4 purchased from a third party.”⁶ Plaintiff admitted “that it purchased textile print
5 design C-06-K-39 (the ‘Bernini Design’) from Bernini Studio S.R.L. on December
6 12, 2011.”⁷ The Court stated that “Plaintiff further concede[d] that the Bernini
7 Design is ‘the source artwork used to create [the Subject Design],’ and that after
8 obtaining the Bernini Design, ‘Plaintiff’s design team thereafter modified the
9 source artwork’ by ‘rearrang[ing] motifs, resiz[ing] elements,’ and re-coloring the
10 design.”⁸ Finally, in addition to admitting that the Subject Design is derived from
11 the Bernini Design, Plaintiff also conceded that “the Bernini Design was published
12 before Plaintiff acquired it or filed a registration application for [the Subject
13 Design].”⁹ Based on Plaintiff’s admissions, the Court concluded that, because
14 “Plaintiff did not disclose to the Register of Copyrights its use of the Bernini
15 Design to form [the Subject Design], . . . Plaintiff’s application for copyright
16 registration of [the Subject Design] contained inaccuracies.”¹⁰ The Court further
17 noted, that while “Plaintiff was likely aware of its obligation to disclose the
18 Bernini Design’s existence,” its Order “determines only that Defendant plausibly
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21 ⁵ Request, Ex. 1 at 15.

22 ⁶ *Id.*, Ex. 1 at 3 (quoting Def. Shenzhen Liyi E-Commerce Co. Ltd.’s Notice of
23 Mot. and Mot. for Issuance of a Req. to the Register of Copyrights Pursuant to 17
24 U.S.C. § 411(b)(2) and Mem. of Points & Authority in Supp. at 2 (“Defendant’s
25 Motion”), ECF. No. 68).

26 ⁷ *Id.*, Ex. 1 at 12.

⁸ *Id.* (quoting Defendant’s Motion, Ex. B at 3, ECF. No. 68-2).

⁹ *Id.*

¹⁰ *Id.*, Ex. 1 at 13.

1 allege[d]” that Plaintiff knowingly included inaccurate information in application
2 for the Registration.¹¹

3 Finding that Defendant’s allegation satisfied the conditions set forth in 17
4 U.S.C. § 411(b)(2), the Court requested that the Register consider whether the
5 inaccuracy identified in the Request would have caused the Register to refuse the
6 Registration, and whether the Office would accept a supplementary registration
7 application to correct the inaccuracy.¹²

8 **ANALYSIS**

9 **I. Relevant Statute, Regulations, and Agency Practices**

10 An application for copyright registration must comply with the requirements
11 of the Copyright Act set forth in 17 U.S.C. §§ 408(a), 408(d), 409, and 410.
12 Regulations governing applications for registration are codified at 37 C.F.R.
13 §§ 202.1 to 202.24. Further, principles that govern how the Office examines
14 registration applications are set out in the *Compendium of U.S. Copyright Office*
15 *Practices*, an administrative manual that instructs agency staff regarding their
16 statutory and regulatory duties and provides expert guidance to copyright
17 applicants, practitioners, scholars, courts, and members of the general public
18 regarding Office practices and related principles of law.¹³ Because Plaintiff
19 submitted its application for registration in February 2012, the governing principles
20 the Office would have applied are set forth in the *Compendium of U.S. Copyright*
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23 ¹¹ *Id.*, Ex. 1 at 15.

¹² *Id.* at 3.

24 ¹³ The Office publishes regular revisions of the *Compendium of U.S. Copyright*
25 *Office Practices* to reflect changes in the law and/or Office practices, which are
26 provided for public comment prior to finalization. The most recent version of the
Compendium was published in January 2021.

1 *Office Practices, Second Edition*.¹⁴ For any new or pending supplementary
2 registration applications, the Office refers to similar guidance set forth in the
3 current version of the *Compendium of U.S. Copyright Office Practices, Third*
4 *Edition*.¹⁵

5 **A. Registration Requirements for Derivative Works**

6 In pertinent part, the Copyright Act defines a “derivative work” as:
7 [A] work based upon one or more preexisting works, such as a[n] . . .
8 art reproduction . . . or any other form in which a work may be recast,
9 transformed, or adapted. A work consisting of editorial revisions,
10 annotations, elaborations, or other modifications which, as a whole,
11 represent an original work of authorship, is a “derivative work.”¹⁶

12 An application for registration of a derivative work must include “an
13 identification of any preexisting work or works that it is based on or incorporates,
14 and a brief, general statement of the additional material covered by the copyright
15 claim being registered.”¹⁷ At the time Plaintiff submitted its application,
16 COMPENDIUM (SECOND) required an application for a derivative work to identify
17 preexisting and new or revised material if the derivative work incorporated
18 “substantial amounts of previously registered, previously published, or public
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21 ¹⁴ U.S. COPYRIGHT OFFICE, COMPENDIUM OF U.S. COPYRIGHT OFFICE
22 PRACTICES (2d ed. 1988) (“COMPENDIUM (SECOND)”),
23 <https://www.copyright.gov/history/comp/compendium-two-1988-chap600-1900.pdf>.

24 ¹⁵ U.S. COPYRIGHT OFFICE, COMPENDIUM OF U.S. COPYRIGHT OFFICE
25 PRACTICES (3d ed. 2021) (“COMPENDIUM (THIRD)”),
26 <https://copyright.gov/comp3/docs/compendium.pdf>.

¹⁶ 17 U.S.C. § 101 (definition of “derivative work”).

¹⁷ *Id.* § 409(9).

1 domain material,” or material owned by a third party.¹⁸ It defined “substantial” to
2 mean that the preexisting material represents, “in relation to the work as a whole,”
3 a “significant portion of the work.”¹⁹

4 When examining an application for registration of a derivative work, the
5 Office determines whether the work contains new creative authorship with a
6 sufficient amount of original expression to satisfy the requirements for
7 copyrightability.²⁰ This is the same standard as that required for determining
8 whether a copyright exists in any work. The author must contribute something
9 more than a “merely trivial” variation.²¹ “[T]he key inquiry is whether there is
10 sufficient nontrivial expressive variation in the derivative work to make it
11 distinguishable from the [preexisting] work in some meaningful way.”²² If
12 granted, a registration for a derivative work covers only the new creative
13 expression added by the author, not the expression in the preexisting work.²³

16 ¹⁸ COMPENDIUM (SECOND) § 626.02; *see also id.* § 306.01 (“The copyright in a
17 derivative work extends only to the material contributed by the author of such
18 work”). In contrast, COMPENDIUM (THIRD) removes the “substantial amount”
19 threshold and states that “[a] claim should be limited if the work contains an
20 *appreciable amount* of material that was previously published, material that was
21 previously registered, material that is in the public domain, and/or material that is
22 owned by an individual or legal entity other than the claimant who is named in the
23 application.” COMPENDIUM (THIRD) § 621 (emphasis added).

24 ¹⁹ COMPENDIUM (SECOND) § 325.01(b) (defining “substantial” in the context of
25 registering derivative computer programs).

26 ²⁰ COMPENDIUM (SECOND) § 626.04; *see also Waldman Publ’g Corp. v.*
Landoll, Inc., 43 F.3d 775, 782 (2d Cir. 1994).

²¹ *Alfred Bell & Co. v. Catalda Fine Arts, Inc.*, 191 F.2d 99, 102–03 (2d Cir.
1951).

²² *Schrock v. Learning Curve Int’l, Inc.*, 586 F.3d 513, 521 (7th Cir. 2009).

²³ COMPENDIUM (SECOND) § 306.01; *see also* COMPENDIUM (THIRD) § 311.2.

1 ***B. The Role of Supplementary Registration***

2 A supplementary registration may be used to correct certain errors or
3 amplify the information provided in a copyright registration.²⁴ COMPENDIUM
4 (THIRD) provides that a supplementary registration can be used to “correct or
5 amend the information that appears on the certificate of registration in the
6 fields/spaces marked Author Created, Limitation of Copyright Claim, Nature of
7 Authorship, and/or Material Added to This Work,” so long as the authorship
8 described in the revised statement in the supplementary registration application is
9 still registrable.²⁵

10 If an application to correct or amplify the registration record is approved, the
11 Office will prepare a certificate of supplementary registration that contains
12 pertinent information from the application, create a public record that identifies
13 and describes the changes or revisions that have been made, and assign a separate
14 registration number and EDR²⁶ to the supplementary registration.²⁷ The Office
15 will not cancel or replace the basic registration or the public record for that
16 registration. Likewise, the Office will not change the information set forth in the
17 basic registration or its EDR. The basic registration and the supplementary
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19 ²⁴ 17 U.S.C. § 408(d); 37 C.F.R. § 202.6; COMPENDIUM (THIRD) § 1802.

20 ²⁵ COMPENDIUM (THIRD) §§ 1802.6(J), 1802; *see* 17 U.S.C. § 408(d); 37 C.F.R.
21 § 202.6.

22 ²⁶ The EDR for the supplementary registration “is the day on which an
23 acceptable application and filing fee, which are later determined by the Register of
24 Copyrights or by a court of competent jurisdiction to be acceptable for
25 supplementary registration, have all been received in the Copyright Office.”
26 COMPENDIUM (THIRD) § 1802.12.

²⁷ *Id.* § 1802.10. The Office will also 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. *Id.* § 1802.11.

1 registration, including the respective EDRs, coexist with each other in the public
2 record because the “information contained in a supplementary registration
3 augments but does not supersede that contained in the earlier registration.”²⁸

4 COMPENDIUM (THIRD) explains:

5 The Office maintains both records to allow courts to decide (i) whether
6 the changes made by the supplementary registration are material, and
7 (ii) whether those changes should . . . be deemed effective as of the date
8 that the basic registration was made or the date that the supplementary
9 registration was made.²⁹

10 The Office may decline to issue a supplementary registration when it
11 is aware that there is actual or prospective litigation involving the basic
12 registration if (1) the proposed change would be directly at issue in the
13 litigation, and (2) the proposed amendment may confuse or complicate the
14 pending dispute.³⁰ In such cases, the Office typically stays its consideration
15 of the supplementary registration application until the applicant confirms in
16 writing that the dispute has been resolved.³¹

17 **II. Other Copyright Office Regulations and Practices**

18 The Copyright Office’s regulations require applicants to make a “declaration
19 . . . that the information provided within the application is correct to the best of [the
20 applicant’s] knowledge.”³² Generally, the Office “accepts the facts stated in the
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23 ²⁸ 17 U.S.C. § 408(d); COMPENDIUM (THIRD) § 1802.10.

24 ²⁹ COMPENDIUM (THIRD) § 1802.12.

25 ³⁰ *Id.* § 1802.9(G).

26 ³¹ *Id.*

³² 37 C.F.R. § 202.3(c)(3)(iii).

1 registration materials, unless they are contradicted by information provided
2 elsewhere in the registration materials or in the Office’s records.”³³

3 When the Office determines that all of the “legal and formal requirements”
4 of title 17 have been met, it will register the copyright claim and issue a certificate
5 of registration under its seal.³⁴ If the Office becomes aware of an error at the time
6 of application, such as one relating to whether the application appropriately
7 identified each author who contributed copyrightable authorship to the work, or
8 has other questions about facts asserted in the application, it provides the applicant
9 an opportunity to correct the error or verify the facts within a specified period of
10 time. If the applicant responds satisfactorily in a timely fashion, the Office can
11 proceed with the registration.

12 **REGISTER’S RESPONSE TO THE COURT**

13 Based on the foregoing statutory and regulatory standards, and the Office’s
14 examining practices, the Register responds to the Court’s questions as follows:

15 **Question 1(a)**

16 Had the Office known that Plaintiff used the Bernini Design as a source
17 design and modified it to create the Subject Design, the Office would not have
18 issued the Registration. Instead, the registration specialist would have inquired as
19 to whether Plaintiff’s claim should have been limited to exclude the Bernini
20 Design.

21 Plaintiff’s Subject Design is a modified version of the preexisting Bernini
22 Design, which makes it a derivative work.³⁵ An applicant is not required to limit
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24 ³³ COMPENDIUM (THIRD) § 602.4(C).

25 ³⁴ 17 U.S.C. § 410(a); COMPENDIUM (THIRD) § 602.

26 ³⁵ Decl. of James Son ¶¶ 4–5, ECF. No. 73-1; *see* 17 U.S.C. § 101 (defining “derivative work”).

1 the claim if the derivative work is solely based on or derived from unpublished or
2 unregistered material that was owned by the claimant named in the application.³⁶
3 However, at the time of Plaintiff’s Registration, an application to register a
4 derivative work required the identification of preexisting material if the derivative
5 work incorporated “substantial amounts of previously registered, previously
6 published, or public domain material.”³⁷

7 Plaintiff conceded that the Bernini Design “was offered for viewing and sale
8 on a Bernini Studio website” and was later sold to Plaintiff.³⁸ This statement
9 confirms that the Bernini Design had been published before Plaintiff registered the
10 Subject Design.³⁹ Plaintiff also confirmed that it used the Bernini Design as a
11 starting point and made “further creative and original contributions and
12 modifications” to create the Subject Design.⁴⁰ It used “certain motifs from the
13 Bernini artwork,” but “provid[ed] additional original stem and leaf supporting
14 elements to motifs from the Bernini artwork,” and edited elements to create a
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19 ³⁶ COMPENDIUM (THIRD) § 507.2; *see also* COMPENDIUM (SECOND) § 626.01(a).

20 ³⁷ COMPENDIUM (SECOND) § 626.02.

21 ³⁸ Defendant’s Motion, Ex. D, at 7, ECF. No. 68-2.

22 ³⁹ The Copyright Act defines “publication” as “the distribution of copies or
23 phonorecords of a work to the public by sale or other transfer of ownership, or by
24 rental, lease, or lending. The offering to distribute copies or phonorecords to a
25 group of persons for purposes of further distribution, public performance, or public
26 display, constitutes publication.” 17 U.S.C. § 101 (defining “publication”).
Although there could be uncertainty about whether the posting and offering for
sale of the Bernini Design on the website constituted publication, the Bernini
Design was unquestionably published when it was sold to Plaintiff.

⁴⁰ Decl. of James Son ¶¶ 4–5, ECF. No. 73-1.

1 “sanded” look.⁴¹ Thus, the Bernini Design, which had been previously published,
2 comprises a “substantial amount” of the Subject Design as a whole.⁴²

3 If the Office had been aware of these facts at the time of examination, the
4 registration specialist would have inquired into whether the derivative work
5 contained new creative authorship with a sufficient amount of original expression
6 that was not a “merely trivial” variation on the preexisting Bernini Design.⁴³ If the
7 modifications contained sufficient derivative authorship, the specialist would have
8 asked Plaintiff to identify the new copyrightable authorship added to the previously
9 published design and to exclude the previously published material from its claim.

10 **Question 1(b)**

11 The fact that Plaintiff purchased the rights to the Bernini Design does not
12 change this result. COMPENDIUM (SECOND) required applicants to identify and
13 exclude substantial amounts of “previously published” material, whether or not
14 that material was owned by the claimant named in the application.⁴⁴ Examples
15 provided in COMPENDIUM (SECOND) made clear that the identification of
16 previously published material was required even if the claimant owned the material
17 that had been previously published.⁴⁵

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19 ⁴¹ *Id.* ¶ 5.

⁴² *See* COMPENDIUM (SECOND) § 626.02.

20 ⁴³ *Alfred Bell*, 191 F.2d at 102–03; COMPENDIUM (SECOND) § 626.04; *see also*
21 COMPENDIUM (THIRD) §§ 311.1, 311.2.

22 ⁴⁴ *See* COMPENDIUM (SECOND) § 626.02(a) (“Where a work contains material
23 that was published before the date the work being registered was submitted for
24 registration, the application should contain a statement identifying the previously
25 published material.”). Current practices continue to require the identification of
26 previously published material comprising an appreciable amount of a work.
COMPENDIUM (THIRD) § 621.4.

⁴⁵ *See* COMPENDIUM (SECOND) § 626.02(a), Example 1; *see also* COMPENDIUM
(THIRD) § 621.4.

1 **Question 2**

2 Notwithstanding the foregoing, the Office would accept a supplementary
3 registration filed by Plaintiff to correct the omission in the original application and
4 exclude the Bernini Design. The Office has stayed its consideration of Plaintiff’s
5 supplementary registration application due to this ongoing suit. If the Court
6 advises the Office that the supplementary registration application can proceed
7 despite the pendency of the litigation, the Office will move forward with accepting
8 the supplementary registration.

9 As noted above, a supplementary registration application can be used to
10 “correct or amend the information that appears on the certificate of registration in
11 the fields/spaces marked Author Created, Limitation of Copyright Claim, Nature of
12 Authorship, and/or Material Added to This Work,” so long as the authorship
13 described in the revised statement in the supplementary registration application is
14 registrable.⁴⁶ Here, Plaintiff has asserted that it made a number of changes to the
15 Bernini Design, including “editing multiple floral motifs, providing a new
16 background for the entire design, providing additional original stem and leaf
17 supporting elements to motifs from the Bernini artwork, selecting and arranging
18 only certain motifs from the Bernini artwork, rotating and providing new spatial
19 arrays for the motifs, altering coloration of elements, changing the amount and
20 quality of ‘negative space’ between the main motifs,” and “editing all of the
21 botanical elements to appear ‘brushed’ or having a coarsely sanded look.”⁴⁷ Based
22 on a comparison of the Bernini Design and the Subject Design, the Register
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25 ⁴⁶ COMPENDIUM (THIRD) §§ 1802.6(J), 1802; *see* 17 U.S.C. § 408(d); 37 C.F.R.
26 § 202.6.

⁴⁷ Decl. of James Son ¶ 5, ECF. No. 73-1.

1 concludes that Plaintiff’s additional contributions constitute a sufficient amount of
2 original authorship to warrant registration.

3 If the Office issues Plaintiff’s December 19, 2022, supplementary
4 registration, the supplementary registration would be assigned a new EDR. It
5 would then be within the Court’s discretion to determine whether the errors in the
6 original registration were material and whether the amended registration should be
7 “deemed effective as of the date that the [original] registration was made or the
8 date that the supplementary registration was made.”⁴⁸ The Court may, based on its
9 assessment of the significance of the errors, deem the changes effective as of the
10 original EDR, rather than the EDR of any supplementary registration.

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⁴⁸ COMPENDIUM (THIRD) § 1802.12.

1 **CONCLUSION**

2 After review of the available facts in this action and application of the
3 relevant law, regulations, and the Office’s practices, the Register hereby advises
4 the Court that had the Office been aware that Plaintiff modified the Bernini Design
5 to create the Subject Design, the Office would not have issued Plaintiff’s
6 Registration. The fact that Plaintiff purchased the rights to the Bernini Design
7 does not change this result. However, the Office would accept a supplementary
8 registration filed by Plaintiff to correct the omission in the original application and
9 exclude the Bernini Design if the Court directs it to do so. Absent contrary
10 direction from the Court, the Office will continue to stay Plaintiff’s supplementary
11 registration application until resolution of the dispute, consistent with Office
12 practices.

13
14 Dated: May 12, 2023



15 Shira Perlmutter
16 Register of Copyrights and Director
17 of the U.S. Copyright Office
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