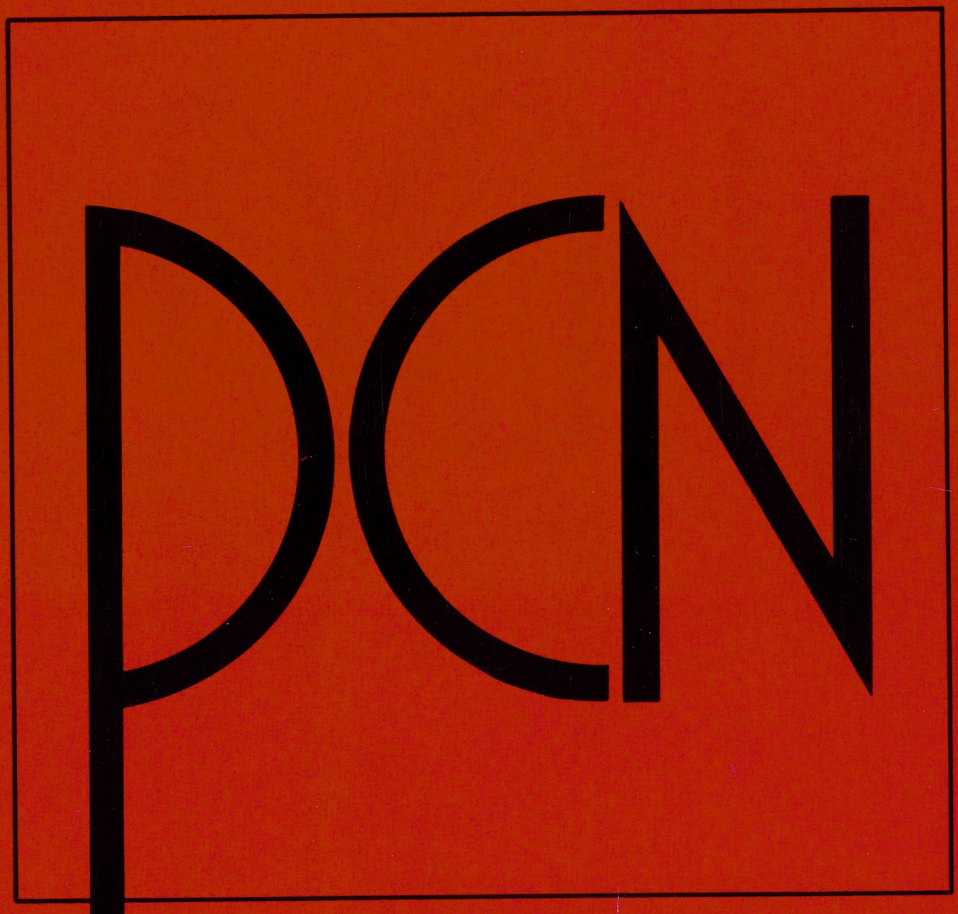
PCN PUBLISHERS MANUAL

Guidelines for the Preassigned Card Number Program



LIBRARY
OF
CONGRESS

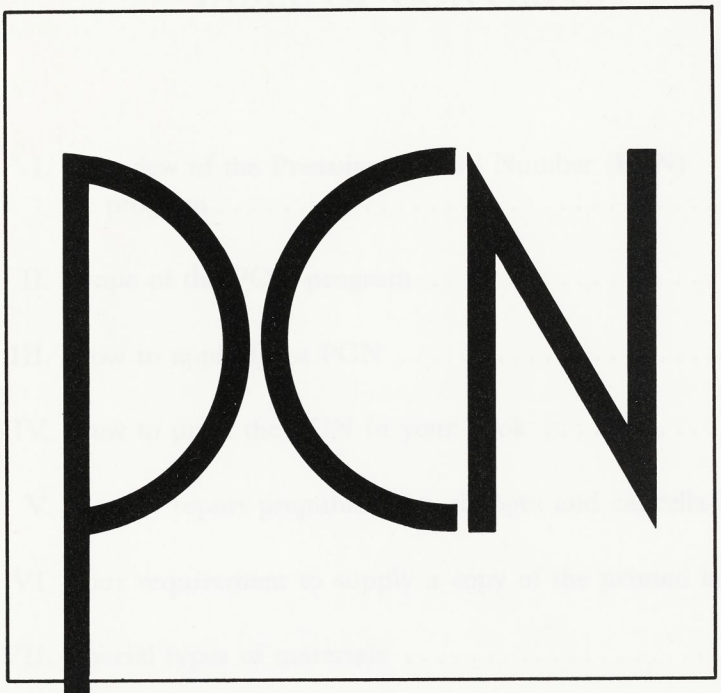
CATALOGING
IN
PUBLICATION
DIVISION

1990

Second Edition

PCN PUBLISHERS MANUAL

Guidelines for the Preassigned Card Number Program



LIBRARY
OF
CONGRESS

CATALOGING
IN
PUBLICATION
DIVISION

Washington D.C. 1990

Library of Congress
Cataloging In Publication Division
Washington, D.C. 20540

PREASSIGNED CARD NUMBER PROGRAM

Should you have any questions concerning the preassignment of Library of Congress catalog card numbers, please call or write to the person listed below.

PUBLISHING HOUSES WHOSE NAME BEGINS WITH:

A - I	Steven Hiser	(202) 707-9792
J - Ss	Sherry McCoy	(202) 707-9791
St - Z	Shirley Scott-Davis, Supervisor	(202) 707-9794

607-71 (rev 1/90)

TABLE OF CONTENTS

I. Overview of the Preassigned Card Number (PCN) program 1

II. Scope of the PCN program 2

III. How to apply for a PCN 5

IV. How to print the PCN in your book 8

V. How to report prepublication changes and cancellations . . . 9

VI. Your requirement to supply a copy of the printed book . . 10

VII. Special types of materials 11

1. Serials 11

2. New editions and reprints 11

3. Second printings and new impressions 12

VIII. Questions most frequently asked by publishers 13

IX. The Cataloging in Publication (CIP) program 15

X. Your PCN Publisher Liaison 16

XI. A word about mail service 17

I. OVERVIEW OF THE PREASSIGNED CARD NUMBER (PCN) PROGRAM

A Library of Congress catalog card number is a unique identification number that the Library of Congress assigns to the catalog record created for each book in its cataloged collections. It is a control number. Librarians use it to locate a specific Library of Congress catalog record in national databases and to order catalog cards from the Library of Congress or from commercial suppliers. The Library of Congress assigns this number while the book is being cataloged. Under certain circumstances, however, a card number can be assigned before the book is published through the Preassigned Card Number program.

Publishers may request that a Library of Congress catalog card number be **preassigned** to a forthcoming title by submitting a one-page application form. The title must meet the eligibility requirements specified in this brochure and, as noted, the application must be submitted prior to publication. A number cannot be **preassigned** to a book that has already been published.

Requests are processed within five working days after receipt of the application form. A photocopy of the form is returned to the publisher, bearing the card number in the box provided. The publisher then prints the preassigned number on the back of the title page (copyright page) preceded by the phrase, "Library of Congress Catalog Card Number." If the title is not eligible, the publisher is notified promptly that no card number can be preassigned.

There are no fees for participation in the program. However, the publisher must send a non-returnable **complimentary copy** of the best edition (e.g., the hardcover edition if published in both hardcover and paperback) of the work to the CIP Division upon publication. This copy is to be supplied in addition to any copies which are deposited with the Copyright Office.

II. SCOPE OF THE PCN PROGRAM

Inclusions

All forthcoming (not yet published) monographic publications published in the United States that do not fall into one of the excluded categories listed below are eligible for the preassignment of a Library of Congress catalog card number. Card numbers are preassigned to materials which are most likely to be selected and cataloged by the Library of Congress for its own collections.

Exclusions

1. **Books which are already published.** See section VIII, Questions Most Frequently Asked by Publishers.

2. **Books which do not list a U.S. city as place of publication on the title page or copyright page.** A statement that the book is to be distributed in the U.S. is not sufficient. See section VIII, Questions Most Frequently Asked by Publishers.

3. **Serials.** These are periodicals, annuals, and other publications regularly issued under the same title. Normally, the date or volume number changes from one issue to the next. See section VII, Special Types of Materials.

4. **Government documents.**

5. **Items under fifty pages.** However, children's literature and genealogies are eligible regardless of length. See section VIII, Questions Most Frequently Asked by Publishers.

6. **Textbooks below the college level.**

7. **Items not intended for wide distribution to libraries.** Examples include promotional materials, unpublished theses and manuscripts, items produced for limited distribution to persons or organizations other than libraries, etc.

8. **Religious instructional materials.** Examples include materials for classes at all grade levels, vacation Bible schools, confirmation studies, etc.

9. **Expendable educational materials.** Examples include laboratory manuals, teachers' manuals, programmed instruction test sheets, workbooks, activity books, etc.

10. **Transitory or consumable materials.** Examples include trade catalogs, telephone books, calendars, coloring books, comic books, cutout books, etc.

11. **Translations from English into a foreign language.** However, translations into Spanish are eligible.

12. **Translations from one foreign language into another foreign language.** However, translations into Spanish are eligible.

13. **Mass market paperbacks.**

14. **Single articles.** Examples include reprints from periodicals, broadsides, etc.

15. **Audiovisual materials.** These include audiovisual kits and computer software.

16. **Music scores.** Examples include sheet music, hymnals, songbooks, etc.

17. **Microforms.** However, titles originally published in and appearing only in microform are eligible.

REQUEST FOR PREASSIGNMENT OF LIBRARY OF CONGRESS CATALOG CARD NUMBER

NOTE: Card numbers cannot be preassigned to books which are already published.

DATE: _____

PUBLISHER'S NAME ON TITLE PAGE: _____

YOUR NAME: _____ PHONE NUMBER: _____

Type or print clearly the complete address to which the preassigned card number should be sent. (This will be your return mailing label.)

FOR CIP OFFICE USE
Library of Congress Catalog Card Number preassigned is:

Transcribe the information in items 1-8 exactly in the form and order in which it will appear on the title or copyright pages of the printed book. Use only those abbreviations which will actually appear on these pages. **(Please attach a copy of the proposed title page, if available.)**

1. Author(s) _____
2. Editor(s) _____
3. Title _____
4. Subtitle _____
5. Edition (exactly as printed in the publication, e.g. second edition, revised edition, etc.) _____
6. U.S. place of publication: City _____ State _____
7. Any copublisher(s) and place _____
8. Series title and numbering, exactly as printed in the publication _____
9. Approximate number of pages _____ 10. Number of volumes _____ 11. ISBN _____
12. Binding: ☐ Hardcover ☐ Paperback 13. Proposed date of publication: Month _____ Year _____
14. Does (or will) the title in item 3 appear at periodic intervals, e.g. annually, quarterly, etc.? ☐ Yes ☐ No
15. Will this publication be submitted later for CIP data? ☐ Yes ☐ No 16. Language of text, if other than English _____

For each title which is preassigned a Library of Congress catalog card number, the Library of Congress requires one non-returnable complimentary copy of the best edition of the published book. If selected for the Library's collections, the book will be cataloged. A postage-free, self-addressed label will be sent with the preassigned card number for your convenience in mailing the required advance copy of the work as soon as printed. This copy is in addition to copyright deposit copies.

Send this form to: **Library of Congress**
Cataloging in Publication Division
Washington, DC 20540

FOR CIP OFFICE USE ONLY. DO NOT WRITE BELOW THIS LINE

Searching notes:	RECD: _____
	ASGN: _____
	SENT: _____
607-7 (rev 10/86)	APIF : _____

Figure 1

Request for Preassignment of Library of Congress Catalog Card Number

III. HOW TO APPLY FOR A PREASSIGNED CARD NUMBER

1. Prepublication information required

For each title which is in scope, submit a completed "Request for Preassignment of Library of Congress Catalog Card Number" form (see figure 1.) and, if available, a copy of the title page well in advance of your printing date.

2. How to fill out a "Request for Preassignment of Library of Congress Catalog Card Number" form

This form must be completed for each new title for which a preassigned card number is requested. All information must be provided exactly as it will appear on the title page or the copyright page. That is, the title, the author's name, the publisher, the place of publication, etc., must be provided with the same spelling, punctuation, capitalization, abbreviations, etc., that will appear on the title page.

The following comments pertain to specific items on the form:

Publisher's name on title page: If a publisher's name will not appear on the title page or copyright page, record the name as it will appear anywhere in the material. If no publisher's name will appear anywhere, put your own name on this line [in brackets]. The publisher is the organization assuming the financial risk for the publication. Do not supply the name of the printer.

Your name and phone number: We may call you if necessary to clarify information.

1. **Author(s):** Record each author's name exactly as it will appear on the title page. If there is no author, leave this line blank.

2. **Editor(s):** Record each editor's name exactly as it will appear on the title page. If there is no editor, leave this line blank.

3. **Title:** Record the title exactly as it will appear on the title page. The title is mandatory.

4. **Subtitle:** Record the subtitle exactly as it will appear on the title page. If your publication has no subtitle, leave this line blank.

5. **Edition:** If your publication will have an edition statement printed in it (e.g., "revised edition," "2nd edition," "new and expanded edition"), record that statement here. If no such edition statement will appear on the piece, leave this line blank.

6. **U.S. place of publication:** This information is mandatory. A foreign publication merely distributed in the U.S. is not eligible for a preassigned card number.

7. **Any copublisher(s) and place:** If two publishers will be listed on your title page, record the second one on this line. If your title is being published simultaneously by another publisher, or with a different publisher's name or imprint on the title page, a separate application must be made for that work.

8. **Series title and numbering:** If your publication is part of a series, and the title of the series will be printed in the book, record the series title exactly as it will appear. If the series will be numbered, include the number as well, exactly as it will appear in the book. If you will not list a series in the book, leave this line blank.

9. **Approximate number of pages:** If under 50 pages, the item is not eligible for a preassigned card number, unless it is a children's book or a genealogy.

10. **Number of volumes:** Record the number of physical volumes which comprise the title that you noted in number 3. Do not give the number of volumes in the series, if the title is part of a series. Do not record the number of copies you will order in your print run.

11. **ISBN:** If no ISBN has been assigned, leave this line blank.

12. **Binding:** If the title will appear in both hardcover and paperback and there is no other difference in the information requested on this form check both boxes. One card number will be preassigned for both. If any of the bibliographic information (i.e., the information requested on this form) differs between the hardcover and paperback, please fill out two forms. Two card numbers may be necessary.

13. **Proposed date of publication:** This information is mandatory. Record the month and year you plan to release the published title for sale or for distribution. If the title is already published, see section II, Scope of the PCN Program.

14. **Does (or will) the title in item 3 appear at periodic intervals?** This question is intended to help us determine if your publication is a serial, as defined in section II, Scope of the PCN Program. If your title is a serial, it is not eligible for a preassigned card number. This line is not intended for your printing schedule.

15. **Will this publication be submitted later for CIP data?** If your publishing house is not currently a CIP participant, mark this box "no." For further information, see section IX, The Cataloging in Publication Program.

16. **Language of text, if other than English:** Record here the language(s) of this publication. Leave this line blank if the text is in English.

If your publishing house is already a CIP participant, we strongly urge you to submit all of your eligible titles for CIP treatment. It is not necessary to apply for a card number before applying for CIP. If, however, you have obtained a card number prior to applying for CIP data, it is **essential** that you submit that number with your CIP data sheet.

Mail your completed application form and title page to:

Library of Congress
Cataloging in Publication Division
Washington, DC 20540

IV. HOW TO PRINT THE PCN IN YOUR BOOK

If your material has been correctly submitted and your title is in scope, a Library of Congress catalog card number will be preassigned within five working days of receipt of your application form. A photocopy of your original application form now including your preassigned card number will be returned to you by first class mail. Note that the first two digits of your card number do not indicate the year of publication but the year the card number was preassigned.

Upon receipt of your preassigned card number, instruct the appropriate staff in your house to print the PCN on the copyright page of the publication preceded by the legend "Library of Congress Catalog Card Number." If, for example, you were assigned the number 90-12345, it would appear as follows:

Library of Congress Catalog Card Number: 90-12345

If subsequent to your receipt of the PCN, you also obtain CIP data, disregard these instructions and print only the CIP data on the copyright page.

V. HOW TO REPORT PREPUBLICATION CHANGES AND CANCELLATIONS

If any of the information that you originally supplied on your application form is changed before publication, this change must be reported immediately. Likewise, if you cancel a title for which a Library of Congress catalog card number has been preassigned, this cancellation must also be reported immediately. Changes and cancellations can be reported by writing to the Cataloging in Publication Division.

Your letter should include the specific nature of the change, the publisher, author(s), title, and the Library of Congress catalog card number. In the case of changes, you will not be assigned a new card number. The number which you have been assigned remains valid for that title. Nonetheless, while your number will remain the same, it is essential that our records be kept up-to-date and accurate to assure that all future processing relevant to your title is done quickly and correctly.

In the case of cancellations, once the number has been cancelled do not use it for any title under any circumstances. That number is no longer valid for any of your titles. Please also note that, given the large number of changes and cancellations that we process, we cannot acknowledge changes and cancellations unless specifically requested.

VI. YOUR REQUIREMENT TO SUPPLY A COPY OF THE PRINTED BOOK

The CIP Division requires a complimentary copy of the best edition of each published book for which a Library of Congress card number was preassigned. The best edition is the one most likely to have the longest shelf life, such as the hardcover copy, in the case of simultaneous hardcover and paper editions. Postage-free mailing labels are provided for use in sending the complimentary copy. The two copies you submit for copyright deposit do not satisfy this requirement.

Upon receipt, the non-returnable copy is reviewed for the Library's collection. If selected, the book is cataloged, and the same preassigned card number printed in the book becomes a part of the catalog record. The Library of Congress card number therefore accesses the corresponding catalog record thereby enabling any librarian, researcher, or bibliographer around the world to obtain that catalog record.

If the title is not selected, the card number can still be used as a record identification number by libraries contributing their own catalog records to any one of a number of national databases. The Library of Congress reserves the right to select or reject any published work for its permanent collections, regardless of the presence or absence of a preassigned card number, based on the research needs of Congress, of the nation's scholars, and of the nation's libraries.

VII. SPECIAL TYPES OF MATERIALS

1. Serials

Serials are out of scope for the PCN program. As noted in section II, Scope of the PCN Program, these are periodicals, annuals, and other publications regularly issued under the same title. Normally, the date or volume number changes from one issue to the next. Although the Library of Congress catalogs serial titles, card numbers cannot be assigned prior to publication for this category of material. Publishers of serial titles are urged to apply for an International Standard Serial Number (ISSN) by contacting:

Library of Congress
National Serials Data Program (202) 707-6452
Washington DC 20540

2. New Editions and reprints

A separate preassigned card number is required for each new edition of a previously published title. This includes the following cases:

A. The book includes an explicit statement that it is a different edition, e.g., "second edition," "revised edition," "deluxe edition," "large print edition."

B. The book has a new publication date on its title page or copyright page. This may be expressed in the form of a date associated with the publisher's imprint on the title page or a statement such as "published in 1987" on the copyright page. If, however, only the copyright or printing date is changed a new preassigned card number is not required.

C. A book previously published by another house, which you are reprinting under your own imprint.

D. A book being republished with any bibliographic change, such as a new title, an additional author, or a new series statement.

E. A book with a change in the order of cities listed as places of publication on the title page.

F. A book with a significant change in the publisher's name as expressed on the title page.

Check with your PCN Publisher Liaison if you have any questions regarding new editions and reprints.

3. Second printings and new impressions

If your title is being reprinted merely for stock—with no changes to any bibliographic element—the original preassigned card number should be used.

VIII. QUESTIONS MOST FREQUENTLY ASKED BY PUBLISHERS

1. How does the preassigned card number relate to copyright?

The preassigned card number bears no relationship to copyright protection. Information concerning copyright procedures can be obtained by writing directly to:

Copyright Office
Library of Congress (202) 479-0700
Washington DC 20559

Acceptance in the Preassigned Card Number program does not affect a title's eligibility for copyright registration or protection. Conversely, copyright registration does not include the issuance of a card number.

2. How does the preassigned card number relate to the ISBN?

International Standard Book Numbers (ISBNs) are not assigned by the Library of Congress. Information may be obtained by writing directly to:

Standard Book Numbering Agency
R. R. Bowker Company (212) 337-6971
245 West 17th Street
New York, New York 10011

Blocks of ISBNs are issued to publishers who assign them to individual titles or volumes of a title. They are used by libraries and bookstores as an aid in book purchasing. LC card numbers identify bibliographic records associated with specific titles cataloged (or expected to be cataloged) by the Library of Congress. Publishers are not issued blocks of LC card numbers, but must apply for each separately.

3. How can I get a Library of Congress card number for a book which has already been published?

Library of Congress card numbers are assigned to books added (or, in the case of forthcoming books, assumed most likely to be added)

to the Library's collection. If your book is already published and you wish to have it considered for the Library's collections, you may send a complimentary copy to:

Library of Congress
Exchange and Gift Division (202) 707-9485
Gift Section
Washington DC 20540

Enclose a letter in the same package, asking that you be informed of the selection decision and, if selected, the card number assigned. You may then include the card number in future printings of the same title if there have been no changes in the bibliographic information (e.g., title, author, publisher's name, edition, etc.)

4. How can I get a Library of Congress card number for a book which does not list a U.S. city as place of publication on the title page or copyright page?

To get a card number for a book which has been published outside of the U.S., follow the procedure noted above, in number 3.

5. How can I get a Library of Congress card number for a book that has fewer than fifty pages?

To get a catalog card number for a book that has fewer than fifty pages, follow the procedures noted above, in number 3. If, however, it is a children's book or a genealogy, follow the procedures noted in section III, How to Apply for a Preassigned Card Number, regardless of the number of pages.

6. I have obtained a Library of Congress card number but I will not be able to publish my book until next year. Should I request a new number?

No. Use the same number. The first two digits of the number indicate the year the number was assigned. They do not indicate the year of publication.

IX. THE CATALOGING IN PUBLICATION (CIP) PROGRAM

While the purpose of the Preassigned Card Number program is to assign Library of Congress catalog card numbers to forthcoming monographic publications most likely to be selected and cataloged by the Library of Congress, the purpose of the Cataloging in Publication (CIP) program is to prepare prepublication cataloging records for those books most likely to be widely acquired by the nation's libraries.

Publishers in the CIP program are required to submit a completed Library of Congress Cataloging Data Sheet and complete text or core required materials, as described in the instructions for participation in that program. Ten working days are required after receipt of this material to process the application.

If you currently participate in the CIP program, it is **not** necessary to obtain a preassigned card number before submitting your application for CIP data. However, if you have obtained a number prior to applying for CIP data, it is **essential** that you include this number when you submit your CIP data sheet.

X. YOUR PCN PUBLISHER LIAISON

All publishers who participate in the PCN program are assigned a PCN Publisher Liaison. See the enclosed card listing the Publisher Liaisons.

Your PCN Publisher Liaison is responsible for:

1. Contacting you if insufficient information was received.
2. Processing your application form and sending your preassigned card number to you.
3. Maintaining a database of titles that have been assigned a card number.
4. Maintaining current office files of all card number requests.
5. Seeing that your reported changes are appropriately processed.
6. Answering general questions about the PCN program.
7. Providing you with forms, mailing labels, etc.

Call or write your Publisher Liaison if you have any questions. In most cases they will respond to your questions immediately though occasionally they may have to consult others to be assured that your more complex questions are responded to fully.

XI. A WORD ABOUT MAIL SERVICE

Although our studies indicate that the U.S. Postal Service provides—on average—a satisfactory delivery time, this is no consolation when it is your preassigned card number that is inexplicably lost or delayed. To be on the safe side, count on a week transit time on each end, in addition to the five working days which we require for processing.

If you are in a large publishing house, please also remember to allow for transit time within your own organization if mail is processed by a central unit.


THE LIBRARY OF CONGRESS

LIBRARY OF CONGRESS

Copyright Office of the United States

WASHINGTON, D.C.

ADDITIONAL CERTIFICATE OF REGISTRATION OF A CLAIM TO COPYRIGHT

THIS IS TO CERTIFY THAT THE STATEMENTS SET FORTH IN THE ATTACHED HAVE BEEN MADE A PART OF THE RECORDS OF THE COPYRIGHT OFFICE WITH CLAIM OF COPYRIGHT REGISTERED UNDER NUMBER

A 709073

IN TESTIMONY WHEREOF, THE SEAL OF THIS OFFICE IS AFFIXED HERETO ON

October 19, 1988

REGISTER OF COPYRIGHTS
United States of America

REGISTER OF COPYRIGHTS

C-731 May 1985-20,000

sold, or publicly distributed. The date when copies were made or further information, see page 4.

November 14, 1975
(Month) (Day) (Year)

➡ **(NOTE: Leave line 5 blank unless the following instructions apply to this work.)** ⬅

5. New Matter in This Version: If any substantial part of this work has been previously published anywhere, give a brief, general statement of the nature of the new matter published for the first time in this version. New matter may consist of compilation, translation, abridgment, editorial revision, and the like, as well as additional text or pictorial matter.

➡ **NOTE:** **Leave line 6 blank unless there has been a PREVIOUS FOREIGN EDITION in the English language.** ⬅

6. Book in English Previously Manufactured and Published Abroad: If all or a substantial part of the text of this edition was previously manufactured and published abroad in the English language, complete the following spaces:

Date of first publication of foreign edition ..... (Year)

Was registration for the foreign edition made in the U.S. Copyright Office? Yes ..... No .....

If your answer is "Yes," give registration number .....

EXAMINER

Complete all applicable spaces on next page

Application

for Registration of a Claim to Copyright in a published book manufactured in the United States of America

FORM A

REGISTRATION NO.
A 709073
DO NOT WRITE HERE

CLASS **A**

Instructions: Make sure that all applicable spaces have been completed before you submit the form. The application must be **SIGNED** at line 10 and the **AFFIDAVIT** (line 11) **must be COMPLETED AND NOTARIZED.** The application should not be submitted until after the date of publication given in line 4, and should state the facts which existed on that date. For further information, see page 4.

Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same information as pages 1 and 2, but may be carbon copies. Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D.C. 20559, together with 2 copies of the best edition of the work and the registration fee of $6. Make your remittance payable to the Register of Copyrights.

1. Copyright Claimant(s) and Address(es): Give the name(s) and address(es) of the copyright owner(s). Ordinarily the name(s) should be the same as in the notice of copyright on the copies deposited.

Name Sylvester Nemes

Address 10824 Hendricks, Crown Point, Ind. 46307

Name

Address

2. Title: THE SOFT-HACKLED FLY
(Give the title of the book as it appears on the title page)

3. Authors: Citizenship and domicile information must be given. Where a work was made for hire, the employer is the author. The citizenship of organizations formed under U.S. Federal or State law should be stated as U.S.A. Authors may be editors, compilers, translators, illustrators, etc., as well as authors of original text. If the copyright claim is based on new matter (see line 5) give requested information about the author of the new matter.

Name Sylvester Nemes (Give legal name followed by pseudonym if latter appears on the copies) Citizenship USA (Name of country)

Domiciled in U.S.A. Yes x No ... Address 10824 Hendricks, Crown Point, Ind. 46307

Name ... (Give legal name followed by pseudonym if latter appears on the copies) Citizenship ... (Name of country)

Domiciled in U.S.A. Yes ... No ... Address ...

Name ... (Give legal name followed by pseudonym if latter appears on the copies) Citizenship ... (Name of country)

Domiciled in U.S.A. Yes ... No ... Address ...

4. Date of Publication of This Edition: Give the complete date when copies of this particular edition were first placed on sale, sold, or publicly distributed. The date when copies were made or printed should not be confused with the date of publication. **NOTE:** The full date (month, day, and year) must be given. For further information, see page 4.

November 14, 1975
(Month) (Day) (Year)

(NOTE: Leave line 5 blank unless the following instructions apply to this work.)

5. New Matter in This Version: If any substantial part of this work has been previously published anywhere, give a brief, general statement of the nature of the new matter published for the first time in this version. New matter may consist of compilation, translation, abridgment, editorial revision, and the like, as well as additional text or pictorial matter.

NOTE: **Leave line 6 blank unless there has been a PREVIOUS FOREIGN EDITION in the English language.**

6. Book in English Previously Manufactured and Published Abroad: If all or a substantial part of the text of this edition was previously manufactured and published abroad in the English language, complete the following spaces:

Date of first publication of foreign edition ... (Year)

Was registration for the foreign edition made in the U.S. Copyright Office? Yes ... No ...

If your answer is "Yes," give registration number ...

EXAMINER
MO 14

Complete all applicable spaces on next page

7. If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:

8. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name The Chatham Press Address 143 Sound Beach Ave., Old Greenwich, C

9. Send certificate to:

(Type or print name and address)

Name: The Chatham Press

Address: 143 Sound Beach Avenue
(Number and street)

Old Greenwich, CT 06870
(City) (State) (ZIP code)

10. Certification: (NOTE: Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.

X Tracy E. Bly
(Signature of copyright claimant or duly authorized agent)

11. Affidavit (required by law). Instructions: (1) Fill in the blank spaces with special attention to those marked **"(X)."** (2) Sign the affidavit before an officer authorized to administer oaths within the United States, such as a notary public. (3) Have the officer sign and seal the affidavit and fill in the date of execution.

NOTE: The affidavit must be signed and notarized only *on or after* the date of publication or completion of printing which it states. The affidavit *must* be signed by an individual.

STATE OF Connecticut
COUNTY OF Fairfield } ss:

I, the undersigned, depose and say that I am the
- ☐ Person claiming copyright in the book described in this application;
- ☒ Duly authorized agent of the person or organization claiming copyright in the book described in this application;
- ☐ Printer of the book described in this application.

That the book was published or the printing was completed on: **(X)** November 14, 1975
(Give month, day, and year)

That, of the various processes employed in the production of the copies deposited, the setting of the type was performed within the limits of the United States or the making of the plates was performed within the limits of the United States from type set therein; or the lithographic or photoengraving processes used in producing the text were wholly performed within the limits of the United States, and that the printing of the text and the binding (if any) were also performed within the limits of the United States. That such typesetting, platemaking, lithographic or photoengraving process, printing, and binding were performed by the following establishments or individuals at the following addresses:

(GIVE THE NAMES AND ADDRESSES OF THE PERSONS OR ORGANIZATIONS WHO PERFORMED SUCH TYPESETTING OR PLATEMAKING OR LITHOGRAPHIC PROCESS OR PHOTOENGRAVING PROCESS OR PRINTING AND BINDING, ETC.)

Names **(X)** Semline Inc. Addresses **(X)** 420 Lexington Ave., NY NY

X Tracy E. Bly
(Signature of affiant)

(Sign and notarize only on or after date given above)

PLACE NOTARIAL SEAL HERE

Subscribed and sworn to affirmed before me this 21st day of Nov. 1975

NOTARY PUBLIC
My Commission Expires March 31, 1976

J. P. Bertelmann
(Signature of notary)

FOR COPYRIGHT OFFICE USE ONLY

Application and affidavit received: DEC 22 1975	
Two copies received: DEC 22 1975	
Fee received: 123400 DEC 22 75	
Renewal	

U.S. GOVERNMENT PRINTING OFFICE : 1974—O-536-761

COPYRIGHT
OFFICE

JUN 13 1988

RFL
22a

DATE: June 8, 1988

Sylvester Nemes
P. O. Box 3782
Bozeman, MT 59772

LIBRARY
OF
CONGRESS

Washington
D.C.
20559

Your request of: May 11, 1988
Re: THE SOFT-HACKLED FLY by Sylvester Nemes

Estimated search fee: $ 10.00

The above estimate is based on the statutory rate of $10 per hour for searching the records and preparing a report of the facts found. We shall proceed upon receipt of your remittance in this amount, made payable to the Register of Copyrights.

The extent of the search is governed by the information you furnish us. See Circular R22 enclosed and the other side of this sheet.

If we have not received a reply from you within 30 days, your request will be sent to the closed file. Please return the enclosed carbon copy with your reply or make reference to our number 88004386

Sincerely yours,
REGISTER OF COPYRIGHTS

Enclosures:
Circulars R22, R6, ML-343
cc this letter

Additional certificates of registration may be obtained for $4.00 each from the Certifications and Documents Section of this Office once the registration number is established.

Fee Estimate
November 1985—10,000

WHAT A SEARCH REPORT IS

A Copyright Office search report includes as much information as we are able to find by searching our indexes and catalogs in response to a particular request. A search report is an objective statement of the facts we find in our records, or of our failure to find any information. We cannot offer interpretations of our findings, nor can we make comparisons between deposit copies to determine similarity. Nothing in a search report should be considered as expressing or implying any opinion by the Copyright Office on questions involving the validity of a copyright, the sufficiency of compliance with legal requirements, the possibility of infringement, or the ownership of rights. If you need general information about ways to determine the copyright status of a work, see our Circular R22.

Our searches are necessarily limited to registrations that have already been cataloged, and they therefore may not cover recent registrations for which cataloging is not yet complete.

COPYRIGHT
OFFICE

RETURN THIS COPY WITH YOUR REPLY

JUN 13 1988

RFL
22a

DATE: June 8, 1988

Sylvester Nemes
P. O. Box 3782
Bozeman, MT 59772

LIBRARY
OF
CONGRESS

Washington
D.C.
20559

Your request of: May 11, 1988
Re: THE SOFT-HACKLED FLY by Sylvester Nemes

Estimated search fee: $10.00

The above estimate is based on the statutory rate of $10 per hour for searching the records and preparing a report of the facts found. We shall proceed upon receipt of your remittance in this amount, made payable to the Register of Copyrights.

The extent of the search is governed by the information you furnish us. See Circular R22 enclosed and the other side of this sheet.

If we have not received a reply from you within 30 days, your request will be sent to the closed file. Please return the enclosed carbon copy with your reply or make reference to our number 88004386

Sincerely yours,
REGISTER OF COPYRIGHTS

Enclosures:
Circulars R22, R6, ML-343
cc this letter

Additional certificates of registration may be obtained for $4.00 each from the Certifications and Documents Section of this Office once the registration number is established.

Fee Estimate
November 1985—10,000

WHAT A SEARCH REPORT IS

A Copyright Office search report includes as much information as we are able to find by searching our indexes and catalogs in response to a particular request. A search report is an objective statement of the facts we find in our records, or of our failure to find any information. We cannot offer interpretations of our findings, nor can we make comparisons between deposit copies to determine similarity. Nothing in a search report should be considered as expressing or implying any opinion by the Copyright Office on questions involving the validity of a copyright, the sufficiency of compliance with legal requirements, the possibility of infringement, or the ownership of rights. If you need general information about ways to determine the copyright status of a work, see our Circular R22.

Our searches are necessarily limited to registrations that have already been cataloged, and they therefore may not cover recent registrations for which cataloging is not yet complete.

Filling Out Application Form TX

Detach and read these instructions before completing this form. Make sure all applicable spaces have been filled in before you return this form.

BASIC INFORMATION

When to Use This Form: Use Form TX for registration of published or unpublished non-dramatic literary works, excluding periodicals or serial issues. This class includes a wide variety of works: fiction, non-fiction, poetry, textbooks, reference works, directories, catalogs, advertising copy, compilations of information, and computer programs. For periodicals and serials, use Form SE.

Deposit to Accompany Application: An application for copyright registration must be accompanied by a deposit consisting of copies or phonorecords representing the entire work for which registration is to be made. The following are the general deposit requirements as set forth in the statute:

Unpublished Work: Deposit one complete copy (or phonorecord).

Published Work: Deposit two complete copies (or phonorecords) of the best edition.

Work First Published Outside the United States: Deposit one complete copy (or phonorecord) of the first foreign edition.

Contribution to a Collective Work: Deposit one complete copy (or phonorecord) of the best edition of the collective work.

The Copyright Notice: For published works, the law provides that a copyright notice in a specified form "shall be placed on all publicly distributed copies from which the work can be visually perceived." Use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from the Copyright Office. The required form of the notice for copies generally consists of three elements: (1) the symbol "©", or the word "Copyright," or the abbreviation "Copr."; (2) the year of first publication; and (3) the name of the owner of copyright. For example: "© 1981 Constance Porter." The notice is to be affixed to the copies "in such manner and location as to give reasonable notice of the claim of copyright."

For further information about copyright registration, notice, or special questions relating to copyright problems, write:

Information and Publications Section, LM-455
Copyright Office
Library of Congress
Washington, D.C. 20559

PRIVACY ACT ADVISORY STATEMENT
Required by the Privacy Act of 1974 (Public Law 93-579)

AUTHORITY FOR REQUESTING THIS INFORMATION:
- Title 17, U.S.C., Secs. 409 and 410

FURNISHING THE REQUESTED INFORMATION IS:
- Voluntary

BUT IF THE INFORMATION IS NOT FURNISHED:
- It may be necessary to delay or refuse registration
- You may not be entitled to certain relief, remedies, and benefits provided in chapters 4 and 5 of title 17, U.S.C.

PRINCIPAL USES OF REQUESTED INFORMATION:
- Establishment and maintenance of a public record
- Examination of the application for compliance with legal requirements

OTHER ROUTINE USES:
- Public inspection and copying
- Preparation of public indexes
- Preparation of public catalogs of copyright registrations
- Preparation of search reports upon request

NOTE:
- No other advisory statement will be given you in connection with this application
- Please keep this statement and refer to it if we communicate with you regarding this application

Filled Dec 15, 1995

LINE-BY-LINE INSTRUCTIONS

1 SPACE 1: Title

Title of This Work: Every work submitted for copyright registration must be given a title to identify that particular work. If the copies or phonorecords of the work bear a title (or an identifying phrase that could serve as a title), transcribe that wording *completely* and *exactly* on the application. Indexing of the registration and future identification of the work will depend on the information you give here.

Previous or Alternative Titles: Complete this space if there are any additional titles for the work under which someone searching for the registration might be likely to look, or under which a document pertaining to the work might be recorded.

Publication as a Contribution: If the work being registered is a contribution to a periodical, serial, or collection, give the title of the contribution in the "Title of this Work" space. Then, in the line headed "Publication as a Contribution," give information about the collective work in which the contribution appeared.

2 SPACE 2: Author(s)

General Instructions: After reading these instructions, decide who are the "authors" of this work for copyright purposes. Then, unless the work is a "collective work," give the requested information about every "author" who contributed any appreciable amount of copyrightable matter to this version of the work. If you need further space, request additional Continuation sheets. In the case of a collective work, such as an anthology, collection of essays, or encyclopedia, give information about the author of the collective work as a whole.

Name of Author: The fullest form of the author's name should be given. Unless the work was "made for hire," the individual who actually created the work is its "author." In the case of a work made for hire, the statute provides that "the employer or other person for whom the work was prepared is considered the author."

What is a "Work Made for Hire"? A "work made for hire" is defined as: (1) "a work prepared by an employee within the scope of his or her employment"; or (2) "a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire." If you have checked "Yes" to indicate that the work was "made for hire," you must give the full legal name of the employer (or other person for whom the work was prepared). You may also include the name of the employee along with the name of the employer (for example: "Elster Publishing Co., employer for hire of John Ferguson").

"Anonymous" or "Pseudonymous" Work: An author's contribution to a work is "anonymous" if that author is not identified on the copies or phonorecords of the work. An author's contribution to a work is "pseudonymous" if that author is identified on the copies or phonorecords under a fictitious name. If the work is "anonymous" you may: (1) leave the line blank; or (2) state " anonymous" on the line; or (3) reveal the author's identity. If the work is "pseudonymous" you may : (1) leave the line blank; or (2) give the pseudonym and identify it as such (for example: "Huntley Haverstock, pseudonym"); or (3) reveal the author's name, making clear which is the real name and which is the pseudonym (for example: "Judith Barton, whose pseudonym is Madeline Elster"). However, the citizenship or domicile of the author **must** be given in all cases.

Dates of Birth and Death: If the author is dead, the statute requires that the year of death be included in the application unless the work is anonymous or pseudonymous. The author's birth date is optional, but is useful as a form of identification. Leave this space blank if the author's contribution was a "work made for hire."

Author's Nationality or Domicile: Give the country of which the author is a citizen, or the country in which the author is domiciled. Nationality or domicile **must** be given in all cases.

Nature of Authorship: After the words "Nature of Authorship" give a brief general statement of the nature of this particular author's contribution to the work. Examples: "Entire text"; "Coauthor of entire text"; "Chapters 11-14"; "Editorial revisions"; "Compilation and English translation"; "New text."

3 SPACE 3: Creation and Publication

General Instructions: Do not confuse "creation" with "publication." Every application for copyright registration must state "the year in which creation of the work was completed." Give the date and nation of first publication only if the work has been published.

Creation: Under the statute, a work is "created" when it is fixed in a copy or phonorecord for the first time. Where a work has been prepared over a period of time, the part of the work existing in fixed form on a particular date constitutes the created work on that date. The date you give here should be the year in which the author completed the particular version for which registration is now being sought, even if other versions exist or if further changes or additions are planned.

Publication: The statute defines "publication" as "the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending"; a work is also "published" if there has been an "offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display." Give the full date (month, day, year) when, and the country where, publication first occurred. If first publication took place simultaneously in the United States and other countries, it is sufficient to state "U.S.A."

4 SPACE 4: Claimant(s)

Name(s) and Address(es) of Copyright Claimant(s): Give the name(s) and address(es) of the copyright claimant(s) in this work even if the claimant is the same as the author. Copyright in a work belongs initially to the author of the work (including, in the case of a work made for hire, the employer or other person for whom the work was prepared). The copyright claimant is either the author of the work or a person or organization to whom the copyright initially belonging to the author has been transferred.

Transfer: The statute provides that, if the copyright claimant is not the author, the application for registration must contain "a brief statement of how the claimant obtained ownership of the copyright." If any copyright claimant named in space 4 is not an author named in space 2, give a brief, general statement summarizing the means by which that claimant obtained ownership of the copyright. Examples: "By written contract"; "Transfer of all rights by author"; "Assignment"; "By will." Do not attach transfer documents or other attachments or riders.

5 SPACE 5: Previous Registration

General Instructions: The questions in space 5 are intended to find out whether an earlier registration has been made for this work and, if so, whether there is any basis for a new registration. As a general rule, only one basic copyright registration can be made for the same version of a particular work.

Same Version: If this version is substantially the same as the work covered by a previous registration, a second registration is not generally possible unless: (1) the work has been registered in unpublished form and a second registration is now being sought to cover this first published edition; or (2) someone other than the author is identified as copyright claimant in the earlier registration, and the author is now seeking registration in his or her own name. If either of these two exceptions apply, check the appropriate box and give the earlier registration number and date. Otherwise, do not submit Form TX; instead, write the Copyright Office for information about supplementary registration or recordation of transfers of copyright ownership.

Changed Version: If the work has been changed, and you are now seeking registration to cover the additions or revisions, check the last box in space 5, give the earlier registration number and date, and complete both parts of space 6 in accordance with the instructions below.

Previous Registration Number and Date: If more than one previous registration has been made for the work, give the number and date of the latest registration.

6 SPACE 6: Derivative Work or Compilation

General Instructions: Complete space 6 if this work is a "changed version," "compilation," or "derivative work," and if it incorporates one or more earlier works that have already been published or registered for copyright, or that have fallen into the public domain. A "compilation" is defined as "a work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship." A "derivative work" is "a work based on one or more preexisting works." Examples of derivative works include translations, fictionalizations, abridgments, condensations, or "any other form in which a work may be recast, transformed, or adapted." Derivative works also include works "consisting of editorial revisions, annotations, or other modifications" if these changes, as a whole, represent an original work of authorship.

Preexisting Material (space 6a): For derivative works, complete this space **and** space 6b. In space 6a identify the preexisting work that has been recast, transformed, or adapted. An example of preexisting material might be: "Russian version of Goncharov's 'Oblomov'." Do not complete space 6a for compilations.

Material Added to This Work (space 6b): Give a brief, general statement of the new material covered by the copyright claim for which registration is sought. **Derivative work** examples include: "Foreword, editing, critical annotations"; "Translation"; "Chapters 11-17." If the work is a **compilation**, describe both the compilation itself and the material that has been compiled. Example: "Compilation of certain 1917 Speeches by Woodrow Wilson." A work may be both a derivative work and compilation, in which case a sample statement might be: "Compilation and additional new material."

7 SPACE 7: Manufacturing Provisions

General Instructions: The copyright statute currently provides, as a general rule, that the copies of a published work "consisting preponderantly of nondramatic literary material in the English language" be manufactured in the United States or Canada in order to be lawfully imported and publicly distributed in the United States. If the work being registered is unpublished or not in English, leave this space blank. Complete this space if registration is sought for a published work "consisting preponderantly of nondramatic literary material that is in the English language." Identify those who manufactured the copies and where those manufacturing processes were performed. As an exception to the manufacturing provisions, the statute prescribes that, where manufacture has taken place outside the United States or Canada, a maximum of 2000 copies of the foreign edition may be imported into the United States without affecting the copyright owners' rights. For this purpose, the Copyright Office will issue an Import Statement upon request and payment of a fee of $3 at the time of registration or at any later time. For further information about import statements, write for Form IS.

8 SPACE 8: Reproduction for Use of Blind or Physically Handicapped Individuals

General Instructions: One of the major programs of the Library of Congress is to provide Braille editions and special recordings of works for the exclusive use of the blind and physically handicapped. In an effort to simplify and speed up the copyright licensing procedures that are a necessary part of this program, section 710 of the copyright statute provides for the establishment of a voluntary licensing system to be tied in with copyright registration. Copyright Office regulations provide that you may grant a license for such reproduction and distribution solely for the use of persons who are certified by competent authority as unable to read normal printed material as a result of physical limitations. The license is entirely voluntary, nonexclusive, and may be terminated upon 90 days notice.

How to Grant the License: If you wish to grant it, check one of the three boxes in space 8. Your check in one of these boxes, together with your signature in space 10, will mean that the Library of Congress can proceed to reproduce and distribute under the license without further paperwork. For further information, write for Circular R63.

9,10,11 SPACE 9, 10, 11: Fee, Correspondence, Certification, Return Address

Deposit Account: If you maintain a Deposit Account in the Copyright Office, identify it in space 9. Otherwise leave the space blank and send the fee of $10 with your application and deposit.

Correspondence (space 9): This space should contain the name, address, area code, and telephone number of the person to be consulted if correspondence about this application becomes necessary.

Certification (space 10): The application can not be accepted unless it bears the date and the **handwritten signature** of the author or other copyright claimant, or of the owner of exclusive right(s), or of the duly authorized agent of author, claimant, or owner of exclusive right(s).

Address for Return of Certificate (space 11): The address box must be completed legibly since the certificate will be returned in a window envelope.

Filling Out Application Form TX

Detach and read these instructions before completing this form. Make sure all applicable spaces have been filled in before you return this form.

BASIC INFORMATION

When to Use This Form: Use Form TX for registration of published or unpublished non-dramatic literary works, excluding periodicals or serial issues. This class includes a wide variety of works: fiction, non-fiction, poetry, textbooks, reference works, directories, catalogs, advertising copy, compilations of information, and computer programs. For periodicals and serials, use Form SE.

Deposit to Accompany Application: An application for copyright registration must be accompanied by a deposit consisting of copies or phonorecords representing the entire work for which registration is to be made. The following are the general deposit requirements as set forth in the statute:

Unpublished Work: Deposit one complete copy (or phonorecord).

Published Work: Deposit two complete copies (or phonorecords) of the best edition.

Work First Published Outside the United States: Deposit one complete copy (or phonorecord) of the first foreign edition.

Contribution to a Collective Work: Deposit one complete copy (or phonorecord) of the best edition of the collective work.

The Copyright Notice: For published works, the law provides that a copyright notice in a specified form "shall be placed on all publicly distributed copies from which the work can be visually perceived." Use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from the Copyright Office. The required form of the notice for copies generally consists of three elements: (1) the symbol "©", or the word "Copyright," or the abbreviation "Copr."; (2) the year of first publication; and (3) the name of the owner of copyright. For example: "© 1981 Constance Porter." The notice is to be affixed to the copies "in such manner and location as to give reasonable notice of the claim of copyright."

For further information about copyright registration, notice, or special questions relating to copyright problems, write:

Information and Publications Section, LM-455
Copyright Office
Library of Congress
Washington, D.C. 20559

PRIVACY ACT ADVISORY STATEMENT
Required by the Privacy Act of 1974 (Public Law 93-579)

AUTHORITY FOR REQUESTING THIS INFORMATION:
- Title 17, U.S.C., Secs. 409 and 410

FURNISHING THE REQUESTED INFORMATION IS:
- Voluntary

BUT IF THE INFORMATION IS NOT FURNISHED:
- It may be necessary to delay or refuse registration
- You may not be entitled to certain relief, remedies, and benefits provided in chapters 4 and 5 of title 17, U.S.C.

PRINCIPAL USES OF REQUESTED INFORMATION:
- Establishment and maintenance of a public record
- Examination of the application for compliance with legal requirements

OTHER ROUTINE USES:
- Public inspection and copying
- Preparation of public indexes
- Preparation of public catalogs of copyright registrations
- Preparation of search reports upon request

NOTE:
- No other advisory statement will be given you in connection with this application
- Please keep this statement and refer to it if we communicate with you regarding this application

LINE-BY-LINE INSTRUCTIONS

1 SPACE 1: Title

Title of This Work: Every work submitted for copyright registration must be given a title to identify that particular work. If the copies or phonorecords of the work bear a title (or an identifying phrase that could serve as a title), transcribe that wording *completely* and *exactly* on the application. Indexing of the registration and future identification of the work will depend on the information you give here.

Previous or Alternative Titles: Complete this space if there are any additional titles for the work under which someone searching for the registration might be likely to look, or under which a document pertaining to the work might be recorded.

Publication as a Contribution: If the work being registered is a contribution to a periodical, serial, or collection, give the title of the contribution in the "Title of this Work" space. Then, in the line headed "Publication as a Contribution," give information about the collective work in which the contribution appeared.

2 SPACE 2: Author(s)

General Instructions: After reading these instructions, decide who are the "authors" of this work for copyright purposes. Then, unless the work is a "collective work," give the requested information about every "author" who contributed any appreciable amount of copyrightable matter to this version of the work. If you need further space, request additional Continuation sheets. In the case of a collective work, such as an anthology, collection of essays, or encyclopedia, give information about the author of the collective work as a whole.

Name of Author: The fullest form of the author's name should be given. Unless the work was "made for hire," the individual who actually created the work is its "author." In the case of a work made for hire, the statute provides that "the employer or other person for whom the work was prepared is considered the author."

What is a "Work Made for Hire"? A "work made for hire" is defined as: (1) "a work prepared by an employee within the scope of his or her employment"; or (2) "a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire." If you have checked "Yes" to indicate that the work was "made for hire," you must give the full legal name of the employer (or other person for whom the work was prepared). You may also include the name of the employee along with the name of the employer (for example: "Elster Publishing Co., employer for hire of John Ferguson").

"Anonymous" or "Pseudonymous" Work: An author's contribution to a work is "anonymous" if that author is not identified on the copies or phonorecords of the work. An author's contribution to a work is "pseudonymous" if that author is identified on the copies or phonorecords under a fictitious name. If the work is "anonymous" you may: (1) leave the line blank; or (2) state " anonymous" on the line; or (3) reveal the author's identity. If the work is "pseudonymous" you may : (1) leave the line blank; or (2) give the pseudonym and identify it as such (for example: "Huntley Haverstock, pseudonym"); or (3) reveal the author's name, making clear which is the real name and which is the pseudonym (for example: "Judith Barton, whose pseudonym is Madeline Elster"). However, the citizenship or domicile of the author **must** be given in all cases.

Dates of Birth and Death: If the author is dead, the statute requires that the year of death be included in the application unless the work is anonymous or pseudonymous. The author's birth date is optional, but is useful as a form of identification. Leave this space blank if the author's contribution was a "work made for hire."

Author's Nationality or Domicile: Give the country of which the author is a citizen, or the country in which the author is domiciled. Nationality or domicile **must** be given in all cases.

Nature of Authorship: After the words "Nature of Authorship" give a brief general statement of the nature of this particular author's contribution to the work. Examples: "Entire text"; "Coauthor of entire text"; "Chapters 11-14"; "Editorial revisions"; "Compilation and English translation"; "New text."

3 SPACE 3: Creation and Publication

General Instructions: Do not confuse "creation" with "publication." Every application for copyright registration must state "the year in which creation of the work was completed." Give the date and nation of first publication only if the work has been published.

Creation: Under the statute, a work is "created" when it is fixed in a copy or phonorecord for the first time. Where a work has been prepared over a period of time, the part of the work existing in fixed form on a particular date constitutes the created work on that date. The date you give here should be the year in which the author completed the particular version for which registration is now being sought, even if other versions exist or if further changes or additions are planned.

Publication: The statute defines "publication" as "the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending"; a work is also "published" if there has been an "offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display." Give the full date (month, day, year) when, and the country where, publication first occurred. If first publication took place simultaneously in the United States and other countries, it is sufficient to state "U.S.A."

4 SPACE 4: Claimant(s)

Name(s) and Address(es) of Copyright Claimant(s): Give the name(s) and address(es) of the copyright claimant(s) in this work even if the claimant is the same as the author. Copyright in a work belongs initially to the author of the work (including, in the case of a work made for hire, the employer or other person for whom the work was prepared). The copyright claimant is either the author of the work or a person or organization to whom the copyright initially belonging to the author has been transferred.

Transfer: The statute provides that, if the copyright claimant is not the author, the application for registration must contain "a brief statement of how the claimant obtained ownership of the copyright." If any copyright claimant named in space 4 is not an author named in space 2, give a brief, general statement summarizing the means by which that claimant obtained ownership of the copyright. Examples: "By written contract"; "Transfer of all rights by author"; "Assignment"; "By will." Do not attach transfer documents or other attachments or riders.

5 SPACE 5: Previous Registration

General Instructions: The questions in space 5 are intended to find out whether an earlier registration has been made for this work and, if so, whether there is any basis for a new registration. As a general rule, only one basic copyright registration can be made for the same version of a particular work.

Same Version: If this version is substantially the same as the work covered by a previous registration, a second registration is not generally possible unless: (1) the work has been registered in unpublished form and a second registration is now being sought to cover this first published edition; or (2) someone other than the author is identified as copyright claimant in the earlier registration, and the author is now seeking registration in his or her own name. If either of these two exceptions apply, check the appropriate box and give the earlier registration number and date. Otherwise, do not submit Form TX; instead, write the Copyright Office for information about supplementary registration or recordation of transfers of copyright ownership.

Changed Version: If the work has been changed, and you are now seeking registration to cover the additions or revisions, check the last box in space 5, give the earlier registration number and date, and complete both parts of space 6 in accordance with the instructions below.

Previous Registration Number and Date: If more than one previous registration has been made for the work, give the number and date of the latest registration.

6 SPACE 6: Derivative Work or Compilation

General Instructions: Complete space 6 if this work is a "changed version," "compilation," or "derivative work," and if it incorporates one or more earlier works that have already been published or registered for copyright, or that have fallen into the public domain. A "compilation" is defined as "a work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship." A "derivative work" is "a work based on one or more preexisting works." Examples of derivative works include translations, fictionalizations, abridgments, condensations, or "any other form in which a work may be recast, transformed, or adapted." Derivative works also include works "consisting of editorial revisions, annotations, or other modifications" if these changes, as a whole, represent an original work of authorship.

Preexisting Material (space 6a): For derivative works, complete this space **and** space 6b. In space 6a identify the preexisting work that has been recast, transformed, or adapted. An example of preexisting material might be: "Russian version of Goncharov's 'Oblomov'." Do not complete space 6a for compilations.

Material Added to This Work (space 6b): Give a brief, general statement of the new material covered by the copyright claim for which registration is sought. **Derivative work** examples include: "Foreword, editing, critical annotations"; "Translation"; "Chapters 11-17." If the work is a **compilation**, describe both the compilation itself and the material that has been compiled. Example: "Compilation of certain 1917 Speeches by Woodrow Wilson." A work may be both a derivative work and compilation, in which case a sample statement might be: "Compilation and additional new material."

7 SPACE 7: Manufacturing Provisions

General Instructions: The copyright statute currently provides, as a general rule, that the copies of a published work "consisting preponderantly of nondramatic literary material in the English language" be manufactured in the United States or Canada in order to be lawfully imported and publicly distributed in the United States. If the work being registered is unpublished or not in English, leave this space blank. Complete this space if registration is sought for a published work "consisting preponderantly of nondramatic literary material that is in the English language." Identify those who manufactured the copies and where those manufacturing processes were performed. As an exception to the manufacturing provisions, the statute prescribes that, where manufacture has taken place outside the United States or Canada, a maximum of 2000 copies of the foreign edition may be imported into the United States without affecting the copyright owners' rights. For this purpose, the Copyright Office will issue an Import Statement upon request and payment of a fee of $3 at the time of registration or at any later time. For further information about import statements, write for Form IS.

8 SPACE 8: Reproduction for Use of Blind or Physically Handicapped Individuals

General Instructions: One of the major programs of the Library of Congress is to provide Braille editions and special recordings of works for the exclusive use of the blind and physically handicapped. In an effort to simplify and speed up the copyright licensing procedures that are a necessary part of this program, section 710 of the copyright statute provides for the establishment of a voluntary licensing system to be tied in with copyright registration. Copyright Office regulations provide that you may grant a license for such reproduction and distribution solely for the use of persons who are certified by competent authority as unable to read normal printed material as a result of physical limitations. The license is entirely voluntary, nonexclusive, and may be terminated upon 90 days notice.

How to Grant the License: If you wish to grant it, check one of the three boxes in space 8. Your check in one of these boxes, together with your signature in space 10, will mean that the Library of Congress can proceed to reproduce and distribute under the license without further paperwork. For further information, write for Circular R63.

9,10,11 SPACE 9, 10, 11: Fee, Correspondence, Certification, Return Address

Deposit Account: If you maintain a Deposit Account in the Copyright Office, identify it in space 9. Otherwise leave the space blank and send the fee of $10 with your application and deposit.

Correspondence (space 9): This space should contain the name, address, area code, and telephone number of the person to be consulted if correspondence about this application becomes necessary.

Certification (space 10): The application can not be accepted unless it bears the date and the **handwritten signature** of the author or other copyright claimant, or of the owner of exclusive right(s), or of the duly authorized agent of author, claimant, or owner of exclusive right(s).

Address for Return of Certificate (space 11): The address box must be completed legibly since the certificate will be returned in a window envelope.

COPYRIGHT
OFFICE

FL
4c

DATE: October 19, 1988

Sylvester Nemes
P.O. Box 3782
Bozeman, MT 59772

Dear Mr. Nemes:

LIBRARY
OF
CONGRESS

Washington
D.C.
20559

We are enclosing the document(s) you requested. Fees have been applied as follows:

Remittance Received	**Total $** 4.00
Applied for documents	$ 4.00
Applied for photocopying	$
Applied for search of Office files	$
Applied for Rush Services	$
Refunded (under separate cover)	$
Transferred to L.C. Photoduplication Service / MBRS	$

Deposit Account Charges	**Total $**
The identifying number which will appear on your deposit account statement for this request is	
Applied for documents	$
Applied for photocopying	$
Applied for search of Office files	$
Applied for Rush Services	$
Transferred to L.C. Photoduplication Service / MBRS	$

Sincerely yours, bcl

REGISTER OF COPYRIGHTS

Enclosures: 1
Documents additional certificate A 709073 (75)

Fee Used
April 1987—10,000

April 22, 1991

CIP Division
Library of Congress
Washington, DC 20540

Sirs:

I have just obtained a certificat of copyright registration for a new book I wrote, called, "Soft-HaCKLED Fly IMitations."

I would also like to obtain the libary of congress catlog card number.

Please let me know what I must do to obtain that number.

Sincerely yours,

Syl Nemes

Quick Reference Guide to Filing a U.S. Trademark Application

BASIS FOR FILING AN APPLICATION: An application may be based on one or more of the following:

1. Use of the mark in a type of commerce that may be regulated by Congress.
2. A *bona fide* intent to use the mark in a type of commerce that may be regulated by Congress. (*Effective November 16, 1989*)
3. Ownership of an application or registration in a foreign country.

Note: "Use in commerce" and "*bona fide* intention to use in commerce" may not be combined as bases for filing an application.

REQUIREMENTS FOR RECEIVING A FILING DATE:

1. A written application in the English language containing the following information:
   - Applicant's name, current address, and citizenship, (*State or country of incorporation or location of partnership*)
   - Identification of the goods or services covered, (*Specify actual goods and/or nature of services performed*)
   - Verification of the facts contained in the application, signed by the applicant.
2. A drawing of the mark. (*Word marks must be typewritten in CAPITAL letters and design marks must be in black ink on white paper and be no larger than four inches by four inches. The drawing page must include the appropriate heading.*)
3. A filing fee of $175.00. (*The filing fee is $175.00 for each separate class of goods or services in the application.*)

Applications based on use in commerce must also provide:

4. A statement specifying the date of first of the mark and the date of first use of the mark in commerce.

5. At least one specimen, or photograph or photocopy of the mark as used in connection with the goods or services.

Applications based on an intent to use in commerce must also provide:

4. A statement setting forth the applicant's *bona fide* intention to use the mark in commerce.

NOTE: No specimens are required for an intent to use application.

Applications based on a foreign application or registration must also provide:

4. A statement setting forth the applicant's *bona fide* intention to use the mark in commerce.

5. For applications based on the filing of a foreign application and claiming a right of priority, the country of filing, the application number and date of the filing must be provided, and the application must be filed in the U.S. within six months of the foreign filing.

6. For applications based on a foreign registration, a certification or a certified copy of the foreign registration must accompany the application.

NOTE: No specimens are required for an application based on a foreign application or registration.

- NOTE -

Application forms and a booklet entitled "**Basic Facts about Trademarks,**" containing information concerning all materials which must be filed with the application, may be obtained by writing to:

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
Washington, D.C. 20231

Or by calling: (703) 557-INFO

QUICK REFERENCE GUIDE TO THE REGISTRATION PROCESS

The application will receive a filing date, enter pre-examination processing, and the application data will be entered into Trademark computers upon receipt of all the information set forth as a filing requirement.

The application will be forwarded to an Examining Attorney in the Trademark Office who will review the application for compliance with the various provisions of the Trademark Act. If the Examining Attorney discovers any problems, a letter will be sent to the applicant to which the applicant will have six months to respond. If no problems are discovered, or if the applicant takes care of any problems in the response to the Examining Attorney's letter, the application will be approved for publication for opposition.

The mark shown in the application and all pertinent information will be published in the **Trademark Official Gazette**. During the following thirty (30) days, anyone who believes that they may be harmed by registration of the mark may file a proceeding at the Trademark Trial and Appeal Board to oppose registration of the mark.

NOTE: Copies of the **Trademark Official Gazette** may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. A prepaid fee of $9.50 is required. For more information, please call (202) 783-3238

After the mark has been published in the **Trademark Official Gazette**, and if no opposition has been filed, the Patent and Trademark Office will:

For applications based on "use in commerce" or a foreign registration

ISSUE A CERTIFICATE OF REGISTRATION

For applications based on a *bona fide* intention to use the mark in commerce

> Issue a Notice of Allowance

> Applicant will have six months to begin use in commerce and file a Statement of Use, OR

> Applicant may, upon written request, extend the period to begin use for another six months.

> Further six month extensions will be granted for "good cause" not to exceed 24 months

> The Statement of Use will be examined by an Examining Attorney, AND

> If the Statement of Use complies with the Trademark Act

ISSUE A CERTIFICATE OF REGISTRATION

BASIC FACTS ABOUT TRADEMARKS



U.S. D[illegible]OMMERCE / Patent and Trademark Office

BASIC FACTS ABOUT TRADEMARKS

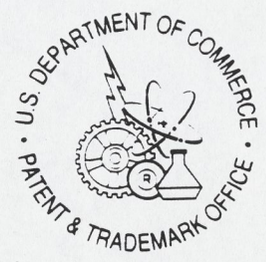
A TRADEMARK may be a word, symbol, design or combination word and design, a slogan or even a distinctive sound which identifies and distinguishes the goods or services of one party from those of another. Used to identify a service, it can be called a service mark. In general, throughout this pamphlet the term trademark will refer to both trademarks and service marks. Normally, a trademark for goods appears on the product or on its packaging, while a service mark is usually used in advertising to identify the owner's services.

A trademark is different from a copyright or a patent. A copyright gives protection for an artistic or literary work and a patent gives protection for an invention.

Unlike a copyright or patent, trademark rights can last indefinetely if the mark continues to perform a source-indicating function. The term of the Federal trademark registration is 10 years, with 10 year renewal terms. However, between the fifth and sixth year after the date of the registration, the registrant must file an affidavit stating the mark is currently in use in commerce. If no affidavit is filed, the registration will be cancelled.

Trademark rights arise from either (1) use of the mark, or (2) a bona fide intention to use a mark, along with the filing of an application to Federally register that mark on the Principal Register. A Federal trademark registration is not required in order for a trademark to be protected, and a trademark may be used without obtaining a registration.

Before a trademark owner may file an application for a Federal registration, the owner must either (1) use the mark on goods which are shipped or sold, or services which are rendered, in commerce regulated by Congress (e.g., interstate commerce or commerce between the U.S. and a foreign country), or (2) have a bona fide intention to use the mark in such commerce in relation to specific goods or services.



Revised November 1989

NOTICE: CHANGES IN THE LAW PERTAINING TO FEDERAL TRADEMARK REGISTRATION TAKE EFFECT ON NOVEMBER 16, 1989. THE INFORMATION CONTAINED HEREIN INCORPORATES THESE CHANGES.

BENEFITS OF REGISTRATION

WHILE Federal registration is not necessary for trademark protection, registration on the Principal Register does provide certain advantages:

1 The filing date of the application is a constructive date of first use of the mark in commerce (this gives registrant nationwide priority as of that date, except as to certain prior users or prior applicants);

2 The right to sue in Federal court for trademark infringement;

3 Recovery of profits, damages and costs in a Federal court infringement action and the possibility of treble damages and attorneys' fees;

4 Constructive notice of a claim of ownership (which eliminates a good faith defense for a party adopting the trademark subsequent to the registrant's date of registration);

5 The right to deposit the registration with Customs in order to stop the importation of goods bearing an infringing mark;

6 Prima facie evidence of the validity of the registration, registrant's ownership of the mark and of registrant's exclusive right to use the mark in commerce in connection with the goods or services specified in the certificate;

7 The possibility of incontestability, in which case the registration constitutes conclusive evidence of the registrant's exclusive right, with certain limited exceptions, to use the registered mark in commerce;

8 Limited grounds for attacking a registration once it is five years old;

9 Availability of criminal penalties and treble damages in an action for counterfeiting a registered trademark;

10 A basis for filing trademark applications in foreign countries.

NOTICE

ONCE a Federal registration is issued, the registrant may give notice of registration by using the ® symbol, or the phrase "Registered in U.S. Patent and Trademark Office" or "Reg. U.S. Pat. & Tm. Off." Although registration symbols may not be

lawfully used prior to registration, many trademark owners use a TM or SM (if the mark identifies a service) symbol to indicate a claim of ownership, even if no Federal trademark application is pending.

THE REGISTRATION PROCESS

THE Patent and Trademark Office (PTO) is responsible for the Federal registration of trademarks. When an application is filed, it is reviewed to determine if it meets the requirements for receiving a filing date (see page 4). If the filing requirements are not met, the entire mailing, including the fee, is returned to the applicant. If the application meets the filing requirements, it is assigned a serial number, and the applicant is sent a filing receipt.

The first part of the registration process is a determination by the Trademark Examining Attorney as to whether the mark may be registered. An initial determination of registrability, listing any statutory grounds for refusal as well as any procedural informalities in the application, is issued about three months after filing. The applicant must respond to any objections raised within six months, or the application will be considered abandoned. If, after reviewing the applicant's response, the Examining Attorney makes a final refusal of registration, the applicant may appeal to the Trademark Trial and Appeal Board, an administrative tribunal within the PTO.

Once the Examining Attorney approves the mark, the mark will be published in the Trademark Official Gazette, a weekly publication of the PTO. Any other party then has 30 days to oppose the registration of the mark, or request an extension of time to oppose. An opposition is similar to a proceeding in the Federal district courts, but is held before the Trademark Trial and Appeal Board. If no opposition is filed, the application enters the next stage of the registration process.

If the mark published based upon its actual use in commerce, a registration will issue approximately 12 weeks from the date the mark was published.

If, instead, the mark published based upon applicant's statement of a bona fide intention to use the mark in commerce, a *notice of allowance* will issue approximately 12 weeks from the date the mark was published. The applicant then has six months from the date of the notice of allowance to either (1) use the mark in commerce and submit a *statement of use,* or (2) request a six-month *extension of time* to file a statement of use (see forms and instructions at back of booklet). The applicant may request additional extensions of time only as noted in the instructions on the back of the form.

STATUTORY GROUNDS FOR REFUSAL

THE Examining Attorney will refuse registration if the mark or term applied for:

1	Does not function as a trademark to identify the goods or services as coming from a particular source; for example, the matter applied for is merely ornamentation;
2	Is immoral, deceptive or scandalous;
3	May disparage or falsely suggest a connection with persons, institutions, beliefs or national symbols, or bring them into contempt or disrepute;
4	Consists of or simulates the flag or coat of arms or other insignia of the United States, or a State or municipality, or any foreign nation;
5	Is the name, portrait or signature of a particular living individual, unless he has given written consent; or is the name, signature or portrait of a deceased President of the United States during the life of his widow, unless she has given her consent;
6	So resembles a mark already registered in the PTO as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive;
7	Is merely descriptive or deceptively misdescriptive of the goods or services;
8	Is primarily geographically descriptive or deceptively misdescriptive of the goods or services of the applicant;
9	Is primarily merely a surname.

A mark will not be refused registration on the grounds listed in numbers 7, 8 and 9 if the applicant can show that, through use of the mark in commerce, the mark has become distinctive so that it now identifies to the public the applicant's goods or services. Marks which are refused registration on the grounds listed in numbers 1, 7, 8 and 9 may be registrable on the *Supplemental Register*, which contains terms or designs considered capable of distinguishing the owner's goods or services, but that do not yet do so. A term or design cannot be considered for registration on the *Supplemental Register* unless it is in use in commerce in relation to all the goods or services identified in the application,

and an acceptable allegation of use has been submitted. If a mark is registered on the *Supplemental Register,* the registrant may bring suit for trademark infringement in the Federal courts, or may use the registration as a basis for filing in some foreign countries. None of the other benefits of Federal registration listed on page 1 apply. An applicant may file an application on the *Principal Register* and, if appropriate, amend the application to the *Supplemental Register* for no additional fee.

TRADEMARK SEARCH LIBRARY

A RECORD of all active registrations and pending applications is maintained by the PTO to help determine whether a previously registered mark exists which could prevent the registration of an applicant's mark. (See ground for refusal No. 6, above.) The search library is located near Washington, D.C. at Crystal Plaza 2, 2nd Floor, 2011 Jefferson Davis Highway, Arlington, VA 22022, and is open to the public free of charge Monday through Friday, 8:00 am to 5:30 pm. The PTO cannot advise prospective applicants of the availability of a particular mark prior to the filing of an application. The applicant may hire a private search company or law firm to perform a search if a search is desired before filing an application and the applicant is unable to visit the search library. The PTO cannot recommend any such companies, but the applicant may wish to consult listings for "Trademark Search Services" in the telephone directories or contact local bar associations for a list of attorneys specializing in trademark law.

WHO MAY FILE AN APPLICATION

THE owners of marks may file and prosecute their own applications for registration, or be represented by an attorney. The Patent and Trademark Office cannot help select an attorney.

FILING REQUIREMENTS

AN application consists of (1) a written application form; (2) a drawing of the mark; (3) the required filing fee; and, ***only if the application is filed based upon prior use of the mark in commerce,*** (4) three specimens showing actual use of the mark on or in connection with the goods or services. A separate

application must be filed for each mark for which registration is requested.

Following is a description of each of these elements of a complete application. The written application form is the first form of four forms at the back of the booklet and is titled "Trademark/Service Mark Application, Principal Register, with Declaration." [The back page of the form is printed upside down so that it may be affixed to the application file at the top and still be easily read.]

1. Written Application Form

THE application must be written in English. The enclosed form may be used for either a trademark or service mark application. Additional forms may be photocopied. The following explanation covers each blank, beginning at the top.

Heading. Identify (a) the mark (e.g. "ERGO" or "ERGO and design") and (b) the class number(s) of the goods or services for which registration is sought. Classification is part of the PTO's administrative processing. The International Classification of Goods and Services is used (see inside back cover of this booklet). The class may be left blank if the appropriate class number is not known.

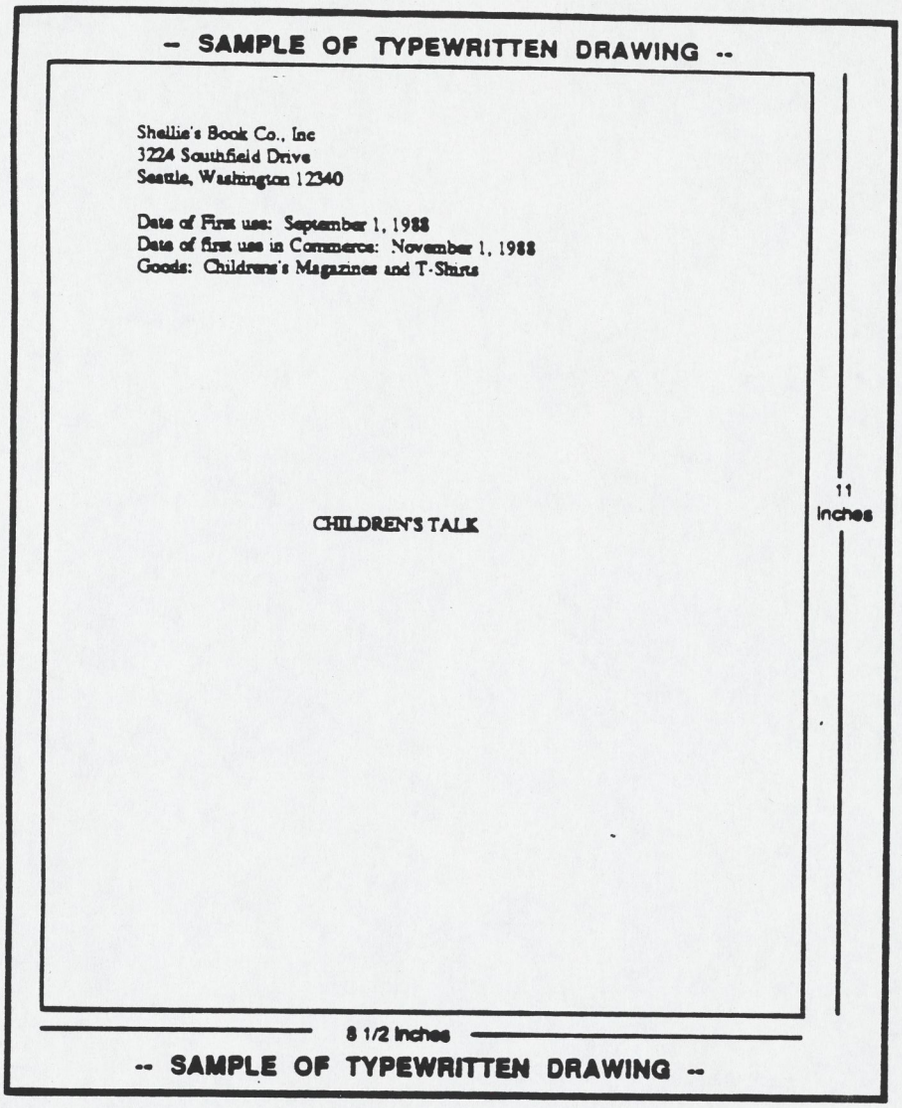
Applicant. The application must be filed in the name of the owner of the mark. Specify, if an individual, applicant's name and citizenship; if a partnership, the names and citizenship of the general partners and the domicile of the partnership; if a corporation or association, the name under which it is incorporated and the state or foreign nation under the laws of which it is organized. Also indicate the applicant's post office address.

Identification of Goods or Services. State briefly the specific goods or services for which the mark is used or intended to be used and for which registration is sought. Use clear and precise language, for example, "women's clothing namely, blouses and skirts," or "computer programs for use by accountants," or "retail food store services." Note that the identification of goods or services should describe the goods the applicant sells or the services the applicant renders, not the medium in which the mark appears, which is often advertising. "Advertising" in this context identifies a service rendered by advertising agencies. For example, a restaurateur would identify his service as "restaurant services," not "menus, signs, etc." which is the medium through which the mark is communicated.

Basis for Application. The applicant must check at least one of four boxes to specify the basis for filing the application. Usually an application is based upon either (1) prior use of the mark in commerce (the first box), or (2) a bona fide intention to use the mark in commerce (the second box), but not both. If both the first and

Drawing and Specimens:

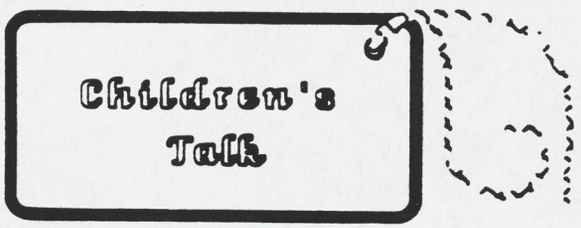
The information contained on this page is designed to assist applicants in formatting drawings that are submitted to office and to provide some guidance regarding the nature of specimens supporting use of the mark in commerce "in the ordinary course of trade."



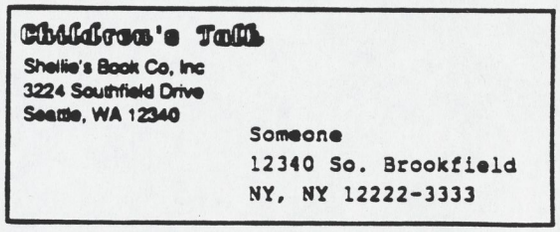
The drawing page must be pure white, durable, nonshiny paper that is 8 1/2 inches wide by 11 inches long. There must be at least a one inch margin on the sides and top of the page between the edge of the page and any information.

The "drawing" on the drawing page in the sample drawing shown on the left is typewritten in all capital letters. Capital letters must be used even if your mark uses capital letters and lower case or all lower case letters. If you wish to have your mark registered in the form in which it is actually used in commerce, you must submit a special form drawing. In that case, the showing of the mark must be no larger than 4 inches by 4 inches and should be centered on the drawing page. The special form drawing must be black and white. Colors are designated by special lining shown in the "Basic Facts about Trademarks" booklet.

Specimens to support use of the above mark on a magazine could consist of the magazine cover and on a T-shirt, labels or tags that are attached or affixed to the goods when they are shipped in commerce. The depiction of labels below is not meant to suggest the form a label must take, only to suggest some possibilities and to distinguish between the "nature" of a specimen and a drawing. The submitted specimens must be actual samples of how the mark is being used in commerce, i.e., actual tags, not a depiction of a tag. If it is impractical to send an actual specimen because of its size, a photograph, clearly showing how the mark is used may be submitted.



- HANG TAG SPECIMEN -



- LABEL ATTACHED TO GOODS -

second boxes are checked, the Patent and Trademark Office will *not* accept the application and will return it to the applicant without processing.

The last two boxes pertain to applications filed in the United States pursuant to international agreements, based upon applications or registrations in foreign countries. These bases are asserted relatively infrequently. For further information about foreign-based applications, the applicant may call the trademark information number listed in this booklet or contact a private attorney.

If the applicant is using the mark in commerce in relation to all the goods or services listed in the application, check the first box and state each of the following:

- The date the trademark was first used anywhere in the U.S. on the goods, or in connection with the services, specified in the application;
- The date the trademark was first used on the specified goods, or in connection with the specified services, sold or shipped (or rendered) in a type of commerce which may be regulated by Congress;
- The type of commerce in which the goods were sold or shipped or services were rendered [for example, "interstate commerce" or "commerce between the United States and (specify foreign country)"]; and
- How the mark is used on the goods, or in connection with the services [for example, "the mark is used on labels which are affixed to the goods," or "the mark is used in advertisements for the services"].

If the applicant has a bona fide intention to use the mark in commerce in relation to the goods or services specified in the application, check the second box. This would include situations where the mark has not been used at all or where the mark has been used on the specified goods or services only within a single state (intrastate commerce).

Execution. The application form must be dated and signed. (See back of form.) The declaration and signature block appear on the back of the form. The Patent and Trademark Office will *not* accept an unsigned application and will return it to the applicant without processing. By signing the form, the applicant is swearing that all the information in the application is believed to be true. If the applicant is an individual, the individual must execute it; if joint applicants, all must execute; if a partnership, one general partner must execute the application; and if a corporation or association, one officer of the organization must execute the application.

2. Drawing

THE drawing is a representation of the mark as actually used or intended to be used on the goods or services. There are two types; (a) typed drawings and (b) special form drawings.

All drawings must be made upon pure white durable nonshiny paper 8½" wide by 11" long. One of the shorter sides of the sheet should be regarded as its top. There must be a margin of at least one inch on the sides and bottom of the paper and at least one inch between the drawing of the mark and the heading.

The *drawing* is different than the *specimens*, which are the actual tags or labels (for goods) or advertisements (for services) which evidence use of the mark in commerce. The *drawing* is a black and white, or typed, rendition of the mark which is used in printing the mark in the Official Gazette and on the registration certificate. A copy of the drawing is also filed in the paper records of the Trademark Search Library to provide notice of the pending application.

Heading. Across the top of the drawing, beginning one inch from the top edge and not exceeding one third of the sheet, list on separate lines:

- Applicant's name;
- Applicant's post office address;
- The goods or services specified in the application (or typical items of the goods or services if there are many goods or services listed);
- Only in an application based on use in commerce - the date of first use of the mark anywhere in the U.S. and the date of first use of the mark in commerce;
- Only in an application based on a foreign application - the filing date of the foreign application.

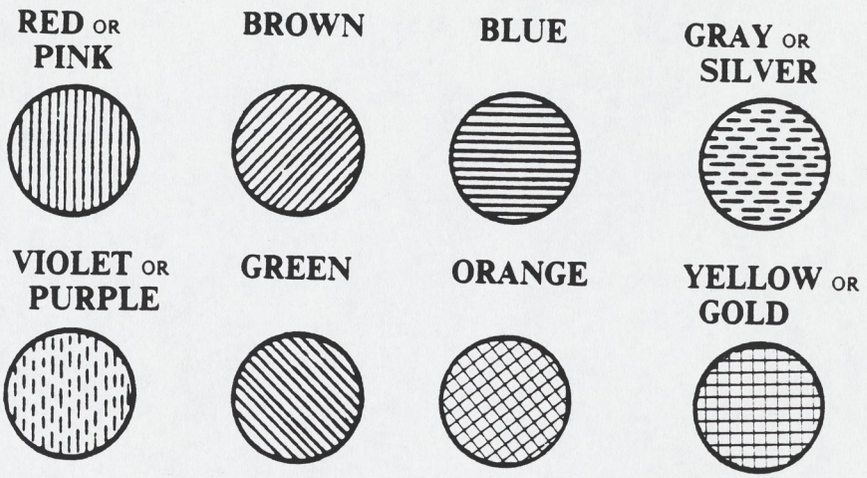
Typed drawing. If the mark is only words, or words and numerals, and the applicant does not wish the registration to be issued for a particular depiction of the words and/or numerals, the mark may be typed in capital letters in the center of the page.

Special form drawing. This form must be used if the applicant wishes the registration for the mark to be issued in a particular style, or if the mark contains a design element. The drawing of the mark must be done in black ink, either with an india ink pen or by a process which will give satisfactory reproduction characteristics. Every line and letter, including words, must be black. This applies to all lines, including lines used for shading. Half-tones and gray are not acceptable. All lines must be clean, sharp, and solid, and not be fine or crowded. A photolithographic reproduction, printer's proof or camera ready copy may be used if otherwise suitable. Photographs are not acceptable. Photocopies are acceptable only if they produce an unusually clear and sharp black and white rendering. The use of white pigment to cover lines is not acceptable.

The preferred size of the drawing of the mark is 2½" x 2½", and in no case may it be larger than 4" x 4". The Patent and Trademark Office will not accept an application with a special form drawing depicted larger than 4" by 4" and will return the application without processing. If the amount of detail in the mark precludes clear reduction to the required 4" x 4" size, such detail

should not be shown in the drawing but should be verbally described in the body of the application.

Where color is a feature of a mark, the color or colors may be designated in the drawing by the linings shown in the following chart:



3. Specimens (Examples of Use)

TRADEMARKS may be placed on the goods; on the container for the goods; on displays associated with the goods; on tags or labels attached to the goods; or, if the nature of the goods makes such placement impractical, then on documents associated with the goods or their sale. Service marks may appear in advertisements for the services, or in brochures about the services, or on business cards or stationary used in connection with the services.

For an application based on actual use of the mark in commerce, the applicant must furnish three examples of use, as described in the paragraph above, when the application is filed. The Patent and Trademark Office will not accept an application based on use in commerce without at least one "specimen" and will return it to the applicant without processing.

The three "specimens" may be identical or they may be examples of three different types of uses. The three specimens should be actual labels, tags, containers, displays, etc. for goods; and actual advertisements, brochures, store signs or stationary (if the nature of the services is clear from the letterhead or body of the letter), etc. for services. Specimens may not be larger than 8½" by 11" and must be capable of being arranged flat. Three-dimensional or bulky material is not acceptable. Photographs or other reproductions clearly and legibly showing the mark on the goods, or on displays associated with the goods, may be submitted if the manner of affixing the mark to the goods, or the nature of the goods, is such that specimens as described above cannot be submitted.

4. Filing Fee

THE fee, effective April 17, 1989, is $175 for each class of goods or services for which the application is made. (See International Classification of Goods and Services on inside back cover.) At least $175 must be submitted for the application to be given a filing date. All payments should be made in United States specie, treasury notes, national bank notes, post office money orders, or certified checks. Personal or business checks may be submitted. The Patent and Trademark Office will cancel credit if payment cannot be collected. Money orders and checks should be made payable to the Commissioner of Patents and Trademarks. Money sent by mail to the Patent and Trademark Office will be at the risk of the sender; letters containing cash should be registered. Remittances made from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Application fees are non-refundable.

FURTHER REQUIREMENTS FOR INTENT-TO-USE APPLICANTS

AN applicant who alleges only a bona fide intention to use a mark in commerce must make use of the mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with specimens evidencing use (see page 8) and a fee of $100 per class of goods or services in the application, either (1) an Amendment to Allege Use or (2) a Statement of Use. The difference between the two filings is the timing of the filing. Copies of each of these forms appear in the back of this booklet behind the application form. See the instructions and information concerning the filing of these forms on the back of each form.

Also in the back of this booklet is a form entitled "Request for Extension of Time under 37 CFR 2.89 to File a Statement of Use, with Declaration." This form is intended for use only when an applicant needs to request an extension of time to file a statement of use. See the instructions and information concerning the use of this form on the back of the form.

FOREIGN APPLICANTS

DOMESTIC REPRESENTATIVE. Applicants not living in the United States must designate by a written document the name and address of some person resident in the United States on whom notices of process in proceedings affecting the mark may be served. This person will also receive all official communications unless the applicant is represented by an attorney in the United States.

COMMUNICATIONS WITH THE PTO

THE application and all other communications should be addressed to "The Commissioner of Patents and Trademarks, Washington, D.C., 20231." It is preferred that the applicant indicate its telephone number on the application form. Once a serial number is assigned to the application the applicant should refer to this number in all telephone and written communications concerning the application.

ADDITIONAL INFORMATION

The Federal registration of trademarks is governed by the Trademark Act of 1946, 15 U.S.C. Sec. 1051 et seq.; the Rules, 37 C.F.R. Part 2; and the Trademark Manual of Examining Procedure.

General Trademark or Patent Information: (703) 557-INFO

Status Information for Particular Trademark Applications: (703) 557-5249

General Copyright Information: (202) 479-0700

TRADEMARK/SERVICE MARK APPLICATION, PRINCIPAL REGISTER, WITH DECLARATION

MARK (Identify the mark)

CLASS NO. (If known)

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT NAME:

APPLICANT BUSINESS ADDRESS:

APPLICANT ENTITY: (Check one and supply requested information)

☐ Individual - Citizenship: (Country) _____

☐ Partnership - Partnership Domicile: (State and Country) _____
Names and Citizenship (Country) of General Partners: _____

☐ Corporation - State (Country, if appropriate) of Incorporation: _____

☐ Other: (Specify Nature of Entity and Domicile) _____

GOODS AND/OR SERVICES:

Applicant requests registration of the above-identified trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended.) for the following goods/services: _____

BASIS FOR APPLICATION: (Check one or more, but NOT both the first AND second boxes, and supply requested information)

☐ Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application.

- Date of first use of the mark anywhere: _____
- Date of first use of the mark in commerce which the U.S. Congress may regulate: _____
- Specify the type of commerce: _____
  (e.g., interstate, between the U.S. and a specified foreign country)
- Specify manner or mode of use of mark on or in connection with the goods/services: _____
  (e.g., trademark is applied to labels, service mark is used in advertisements)

☐ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.)

- Specify intended manner or mode of use of mark on or in connection with the goods/services: _____
  (e.g., trademark will be applied to labels, service mark will be used in advertisements)

☐ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.

- Country of foreign filing: _____ • Date of foreign filing: _____

☐ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services and, accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C. 1126(e), as amended.

- Country of registration: _____ • Registration number: _____

Note: Declaration, on Reverse Side, MUST be Signed

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Date

Signature

Telephone Number

Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

To receive a filing date, the application must be completed and **signed by the applicant** and submitted along with:

1. The prescribed fee for each class of goods/services listed in the application;
2. A drawing of the mark in conformance with 37 CFR 2.52;
3. If the application is based on use of the mark in commerce, three (3) specimens (evidence) of the mark as used in commerce for each class of goods/services listed in the application. All three specimens may be the same and may be in the nature of: (a) labels showing the mark which are placed on the goods; (b) a photograph of the mark as it appears on the goods, (c) brochures or advertisements showing the mark as used in connection with the services.

Verification of the application - The application must be signed in order for the application to receive a filing date. Only the following person may sign the verification (Declaration) for the application, depending on the applicant's legal entity: (1) the individual applicant; (b) an officer of the corporate applicant; (c) one general partner of a partnership applicant; (d) all joint applicants.

Additional information concerning the requirements for filing an application are available in a booklet entitled **Basic Facts about Trademarks**, which may be obtained by writing:

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
Washington, D.C. 20231

Or by calling: (703) 557-INFO

This form is estimated to take 15 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C., 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

AMENDMENT TO ALLEGE USE UNDER 37 CFR 2.76, WITH DECLARATION

MARK (Identify the mark)

SERIAL NO.

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT NAME:

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended). Three specimens showing the mark as used in commerce are submitted with this amendment.

☐ Check here if Request to Divide under 37 CFR 2.87 is being submitted with this amendment.

Applicant is using the mark in commerce on or in connection with the following goods/services:

_____

_____

(NOTE: Goods/services listed above may not be broader than the goods/services identified in the application as filed)

Date of first use of mark anywhere: _____

Date of first use of mark in commerce which the U.S. Congress may regulate: _____

Specify type of commerce: (e.g., interstate, between the U.S. and a specified foreign country) _____

_____

Specify manner or mode of use of mark on or in connection with the goods/services: (e.g., trademark is applied to labels, service mark is used in advertisements) _____

_____

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Amendment to Allege Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; the trademark/ service mark is now in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

_____ _____

Date Signature

_____ _____

Telephone Number Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

In an application based upon a bona fide intention to use a mark in commerce, applicant must use its mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with evidence of use (specimens) and the prescribed fee(s), **either**:

(1) an Amendment to Allege Use under 37 CFR 2.76, or
(2) a Statement of Use under 37 CFR 2.88.

The difference between these two filings is the timing of the filing. Applicant may file an Amendment to Allege Use before approval of the mark for publication for opposition in the **Official Gazette**, or, if a final refusal has been issued, prior to the expiration of the six month response period. Otherwise, applicant must file a Statement of Use after the Office issues a Notice of Allowance. The Notice of Allowance will issue after the opposition period is completed if no successful opposition is filed. Neither Amendment to Allege Use or Statement of Use papers will be accepted by the Office during the period of time between approval of the mark for publication for opposition in the **Official Gazette** and the issuance of the Notice of Allowance.

Applicant may call (703) 557-5249 to determine whether the mark has been approved for publication for opposition in the **Official Gazette.**

Before filing an Amendment to Allege Use or a Statement of Use, applicant must use the mark in commerce on or in connection with **all** of the goods/services for which applicant will seek registration, **unless** applicant submits with the papers, a request to divide out from the application the goods or services to which the Amendment to Allege Use or Statement of Use pertains. (See: 37 CFR 2.87, Dividing an application)

Applicant **must** submit with an Amendment to Allege Use or a Statement of Use:

(1) the appropriate fee of $100 per class of goods/services listed in the Amendment to Allege Use or the Statement of Use, and

(2) three (3) specimens or facsimiles of the mark as used in commerce for each class of goods/services asserted (e.g., photograph of mark as it appears on goods, label containing mark which is placed on goods, or brochure or advertisement showing mark as used in connection with services).

Cautions/Notes concerning completion of this Amendment to Allege Use form:

(1) The goods/services identified in the Amendment to Allege Use must be within the scope of the goods/services identified in the application as filed. Applicant may delete goods/services. Deleted goods/services may not be reinstated in the application at a later time.

(2) Applicant may list dates of use for only one item in each class of goods/services identified in the Amendment to Allege Use. However, applicant must have used the mark in commerce on all the goods/services in the class. Applicant must identify the particular item to which the dates apply.

(3) Only the following person may sign the verification of the Amendment to Allege Use, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

This form is estimated to take 15 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C., 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

STATEMENT OF USE UNDER 37 CFR 2.88, WITH DECLARATION

MARK (Identify the mark)

SERIAL NO.

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT NAME:

NOTICE OF ALLOWANCE ISSUE DATE:

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended). Three (3) specimens showing the mark as used in commerce are submitted with this statement.

☐ Check here only if a Request to Divide under 37 CFR 2.87 is being submitted with this Statement.

Applicant is using the mark in commerce on or in connection with the following goods/services: (Check One)

☐ Those goods/services identified in the Notice of Allowance in this application.

☐ Those goods/services identified in the Notice of Allowance in this application except: (Identify goods/services to be deleted from application) _____

_____

_____

Date of first use of mark anywhere: _____

Date of first use of mark in commerce which the U.S. Congress may regulate: _____

Specify type of commerce: (e.g., interstate, between the U.S. and a specified foreign country) _____

_____

Specify manner or mode of use of mark on or in connection with the goods/services: (e.g., trademark is applied to labels, service mark is used in advertisements) _____

_____

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Statement of Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; the trademark/service mark is now in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

_____ Date

_____ Signature

_____ Telephone Number

_____ Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

In an application based upon a bona fide intention to use a mark in commerce, applicant must use its mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with evidence of use (specimens) and the prescribed fee(s), **either:**

(1) an Amendment to Allege Use under 37 CFR 2.76, or
(2) a Statement of Use under 37 CFR 2.88.

The difference between these two filings is the timing of the filing. Applicant may file an Amendment to Allege Use before approval of the mark for publication for opposition in the **Official Gazette**, or, if a final refusal has been issued, prior to the expiration of the six month response period. Otherwise, applicant must file a Statement of Use after the Office issues a Notice of Allowance. The Notice of Allowance will issue after the opposition period is completed if no successful opposition is filed. Neither Amendment to Allege Use or Statement of Use papers will be accepted by the Office during the period of time between approval of the mark for publication for opposition in the **Official Gazette** and the issuance of the Notice of Allowance.

Applicant may call (703) 557-5249 to determine whether the mark has been approved for publication for opposition in the **Official Gazette.**

Before filing an Amendment to Allege Use or a Statement of Use, applicant must use the mark in commerce on or in connection with **all** of the goods/services for which applicant will seek registration, **unless** applicant submits with the papers, a request to divide out from the application the goods or services to which the Amendment to Allege Use or Statement of Use pertains. (See: 37 CFR 2.87, Dividing an application)

Applicant **must** submit with an Amendment to Allege Use or a Statement of Use:

(1) the appropriate fee of $100 per class of goods/services listed in the Amendment to Allege Use or the Statement of Use, and

(2) three (3) specimens or facsimiles of the mark as used in commerce for each class of goods/services asserted (e.g., photograph of mark as it appears on goods, label containing mark which is placed on goods, or brochure or advertisement showing mark as used in connection with services).

Cautions/Notes concerning completion of this Statement of Use form:

(1) The goods/services identified in the Statement of Use must be identical to the goods/services identified in the Notice of Allowance. Applicant may delete goods/services. Deleted goods/services may not be reinstated in the application at a later time.

(2) Applicant may list dates of use for only one item in each class of goods/services identified in the Statement of Use. However, applicant must have used the mark in commerce on all the goods/services in the class. Applicant must identify the particular item to which the dates apply.

(3) Only the following person may sign the verification of the Statement of Use, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

This form is estimated to take 15 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C., 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

REQUEST FOR EXTENSION OF TIME UNDER 37 CFR 2.89 TO FILE A STATEMENT OF USE, WITH DECLARATION	MARK (Identify the mark) SERIAL NO.

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT NAME:

NOTICE OF ALLOWANCE MAILING DATE:

Applicant requests a six-month extension of time to file the Statement of Use under 37 CFR 2.88 in this application.

☐ Check here if a Request to Divide under 37 CFR 2.87 is being submitted with this request.

Applicant has a continued bona fide intention to use the mark in commerce in connection with the following goods/services: (Check one below)

☐ Those goods/services identified in the Notice of Allowance in this application.

☐ Those goods/services identified in the Notice of Allowance in this application except: (Identify goods/services to be **deleted** from application) _____

_____

This is the _____ request for an Extension of Time following mailing of the Notice of Allowance.
(Specify first - fifth)

If this is not the first request for an Extension of Time, check one box below. If the first box is checked, explain the circumstance(s) of the non-use in the space provided:

☐ Applicant has not used the mark in commerce yet on all goods/services specified in the Notice of Allowance; however, applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of the goods/services specified above:

_____

_____

If additional space is needed, please attach a separate sheet to this form

☐ Applicant believes that it has made valid use of the mark in commerce, as evidenced by the Statement of Use submitted with this request; however, if the Statement of Use is found by the Patent and Trademark Office to be fatally defective, applicant will need additional time in which to file a new statement.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Request for Extension of Time to File a Statement of Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

_____ _____

Date Signature

_____ _____

Telephone Number Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

Applicant must file a Statement of Use within six months after the mailing of the Notice of Allowance in an application based upon a bona fide intention to use a mark in commerce, UNLESS, within that same period, applicant submits a request for a six-month extension of time to file the Statement of Use. The request **must:**

(1) be in writing,
(2) include applicant's verified statement of continued bona fide intention to use the mark in commerce,
(3) specify the goods/services to which the request pertains as they are identified in the Notice of Allowance, and
(4) include a fee of $100 for each class of goods/services.

Applicant may request four further six-month extensions of time. No extension may extend beyond 36 months from the issue date of the Notice of Allowance. Each request must be filed within the previously granted six-month extension period and must include, in addition to the above requirements, a showing of **GOOD CAUSE**. This good cause showing must include:

(1) applicant's statement that the mark has not been used in commerce yet on all the goods or services specified in the Notice of Allowance with which applicant has a continued bona fide intention to use the mark in commerce, **and**

(2) applicant's statement of ongoing efforts to make such use, which may include the following: (a) product or service research or development, (b) market research, (c) promotional activities, (d) steps to acquire distributors, (e) steps to obtain required governmental approval, or (f) similar specified activity .

Applicant may submit one additional six-month extension request during the existing period in which applicant files the Statement of Use, unless the granting of this request would extend beyond 36 months from the issue date of the Notice of Allowance. As a showing of good cause, applicant should state its belief that applicant has made valid use of the mark in commerce, as evidenced by the submitted Statement of Use, but that if the Statement is found by the PTO to be defective, applicant will need additional time in which to file a new statement of use.

Only the following person may sign the verification of the Request for Extentsion of Time, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

This form is estimated to take 15 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C., 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

International schedule of classes of goods and services

Goods

1 Chemicals products used in industry, science, photography, agriculture, horticulture, forestry; artificial and synthetic resins; plastics in the form of powders, liquids or pastes, for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.

2 Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; natural resins; metals in foil and powder form for painters and decorators.

3 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4 Industrial oils and greases (other than oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night lights and wicks.

5 Pharmaceutical, veterinary, and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax, disinfectants; preparations for killing weeds and destroying vermin.

6 Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (nonelectric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in nonprecious metal not included in other classes; ores.

7 Machines and machine tools; motors (except for land vehicles); machine couplings and belting (except for land vehicles); large size agricultural implements; incubators.

8 Hand tools and instruments; cutlery, forks, and spoons; side arms.

9 Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; coin or counterfreed apparatus; talking machines; cash registers; calculating machines; fire extinguishing apparatus.

10 Surgical, medical, dental, and veterinary instruments and apparatus (including artificial limbs, eyes and teeth).

11 Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.

12 Vehicles; apparatus for locomotion by land, air or water.

13 Firearms; ammunition and projectiles; explosive substances; fireworks.

14 Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewelry, precious stones, horological and other chronometric instruments.

15 Musical instruments (other than talking machines and wireless apparatus).

16 Paper and paper articles, cardboard and cardboard articles; printed matter, newspaper and periodicals, books; bookbinding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and cliches (stereotype).

17 Gutta percha, india rubber, balata and substitutes, articles made from these substances and not included in other classes; plastics in the form of sheets, blocks and rods, being for use in manufacture; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (nonmetallic).

18 Leather and imitations of leather, and articles made from these materials and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19 Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; roadmaking materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.

20 Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics.

21 Small domestic utensils and containers (not of precious metals, or coated therewith); combs and sponges; brushes (other than paint brushes); brushmaking materials; instruments and material for cleaning purposes, steel wool; unworked or semi-worked glass (excluding glass used in building); glassware, porcelain and earthenware, not included in other classes.

22 Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, kapok, feathers, seaweed, etc.); raw fibrous textile materials.

23 Yarns, threads.

24 Tissues (piece goods); bed and table covers; textile articles not included in other classes.

25 Clothing, including boots, shoes and slippers.

26 Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

27 Carpets, rugs, mats and matting; linoleums and other materials for covering existing floors; wall hangings (nontextile).

28 Games and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees.

29 Meats, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and other dairy products; edible oils and fats; preserves, pickles.

30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard, pepper, vinegar, sauces, spices; ice.

31 Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

32 Beer, ale and porter; mineral and aerated waters and other nonalcoholic drinks; syrups and other preparations for making beverages.

33 Wines, spirits and liqueurs.

34 Tobacco, raw or manufactured; smokers' articles; matches.

Services

35 Advertising and business.

36 Insurance and financial.

37 Construction and repair.

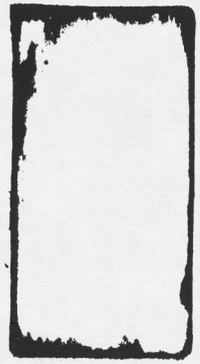
38 Communication.

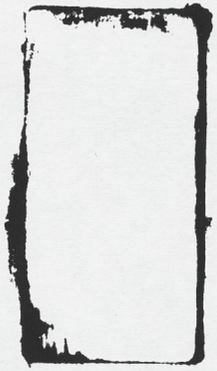
39 Transportation and storage.

40 Material treatment.

41 Education and entertainment.

42 Miscellaneous.







COPYRIGHT
OFFICE

RFL
22g

DATE: September 1, 1988

LIBRARY
OF
CONGRESS

Sylvester Nemes
P.O. Box 3782
Bozeman, Montana 59772

Washington
D.C.
20559

The results of our search in the indexes and catalogs of the Copyright Office are stated below. The extent of the search was governed by the information you furnished us; please see the other side of this sheet concerning what a search report is. The fee for searching is charged at the statutory rate of $10 an hour.

Sincerely yours,

REGISTER OF COPYRIGHTS

Results of Search:

This refers to your letter of recent date.

THE SOFT-HACKLED FLY. By Sylvester Nemes. Registered in the name of Sylvester Nemes, under A 709073 following publication November 14, 1975.

An additional certificate can be obtained from the Certifications and Documents Section of this Office for $4.00.

Your remittance of $10.00 has been applied in payment for this search and report.

Search Report
December 1982—5,000

WHAT A SEARCH REPORT IS

A Copyright Office search report, such as the one on the other side of this sheet, includes as much information as we are able to find by searching our indexes and catalogs in response to a particular request. A search report is an objective statement of the facts we find in our records, or of our failure to find any information. We cannot offer interpretations of our findings, nor can we make comparisons between deposit copies to determine similarity. Nothing in a search report should be considered as expressing or implying any opinion by the Copyright Office on questions involving the validity of a copyright, the sufficiency of compliance with legal requirements, the possibility of infringement, or the ownership of rights. If you need general information about ways to determine the copyright status of a work, see our Circular R22; it may be obtained from the Copyright Office free on request.

Our searches are necessarily limited to registrations that have already been cataloged, and they therefore may not cover recent registrations for which cataloging is not yet complete.

If you wish us to do any further searching, give us as much additional information as possible, including: the name (or names) of the copyright claimant, any names or pseudonyms the author may have used, additional titles under which the work might be known, the date of publication or registration, and the type of work (book, drama, music, work of art, etc.). In any reply relating to this matter please refer to our MISCELLANEOUS FILE and the date of this letter, or you may return this letter.

CERTIFICATE OF COPYRIGHT REGISTRATION

FORM TX
UNITED STATES COPYRIGHT OFFICE

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

David L. Ladd
REGISTER OF COPYRIGHTS
United States of America

REGISTRATION NUMBER
TX 805-338
TX TXU

EFFECTIVE DATE OF REGISTRATION
11 (Month) 17 (Day) 81 (Year)

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE CONTINUATION SHEET (FORM TX/CON)

1 Title

TITLE OF THIS WORK: The Soft-Hackled Fly Addict

PREVIOUS OR ALTERNATIVE TITLES:

If a periodical or serial give: Vol. ..... No. ..... Issue Date .....

PUBLICATION AS A CONTRIBUTION: (If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared.)

Title of Collective Work: ..... Vol. ..... No. ..... Date ..... Pages .....

2 Author(s)

IMPORTANT: Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). If any part of this work was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates blank.

1
NAME OF AUTHOR: Sylvester Nemes
Was this author's contribution to the work a "work made for hire"? Yes ..... No. X
DATES OF BIRTH AND DEATH: Born 1922 (Year) Died ..... (Year)
AUTHOR'S NATIONALITY OR DOMICILE: Citizen of U.S. (Name of Country) or Domiciled in U.S. (Name of Country)
AUTHOR OF: (Briefly describe nature of this author's contribution) Total
WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Yes ..... No X Pseudonymous? Yes ..... No X
If the answer to either of these questions is "Yes," see detailed instructions attached.

2
NAME OF AUTHOR:
Was this author's contribution to the work a "work made for hire"? Yes ..... No
DATES OF BIRTH AND DEATH: Born ..... (Year) Died ..... (Year)
AUTHOR'S NATIONALITY OR DOMICILE: Citizen of ..... (Name of Country) or Domiciled in ..... (Name of Country)
AUTHOR OF: (Briefly describe nature of this author's contribution)
WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Yes ..... No ..... Pseudonymous? Yes ..... No .....
If the answer to either of these questions is "Yes," see detailed instructions attached.

3
NAME OF AUTHOR:
Was this author's contribution to the work a "work made for hire"? Yes ..... No .....
DATES OF BIRTH AND DEATH: Born ..... (Year) Died ..... (Year)
AUTHOR'S NATIONALITY OR DOMICILE: Citizen of ..... (Name of Country) or Domiciled in ..... (Name of Country)
AUTHOR OF: (Briefly describe nature of this author's contribution)
WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Yes ..... No ..... Pseudonymous? Yes ..... No .....
If the answer to either of these questions is "Yes," see detailed instructions attached.

3 Creation and Publication

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED: Year 1981
(This information must be given in all cases.)

DATE AND NATION OF FIRST PUBLICATION: Date October (Month) 23 (Day) 1981 (Year)
Nation U.S. (Name of Country)
(Complete this block ONLY if this work has been published.)

4 Claimant(s)

NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S):
Sylvester Nemes
Apt 204, 901 S. Plymouth Ct
Chicago, IL 60605

TRANSFER: (If the copyright claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.)

- *Complete all applicable spaces (numbers 5-11) on the reverse side of this page*
- *Follow detailed instructions attached*
- *Sign the form at line 10*

DO NOT WRITE HERE
Page 1 of 2 pages

TX 805-338	EXAMINED BY: ... CHECKED BY: ...	APPLICATION RECEIVED: 17 NOV 1981	FOR COPYRIGHT OFFICE USE ONLY
	CORRESPONDENCE: ☐ Yes	DEPOSIT RECEIVED: 17 NOV 1981	
	DEPOSIT ACCOUNT FUNDS USED: ☐	REMITTANCE NUMBER AND DATE: 50541 NOV 1781	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED ADDITIONAL SPACE, USE CONTINUATION SHEET (FORM TX/CON)

PREVIOUS REGISTRATION: (5 Previous Registration)

- Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? Yes ..... No X .....
- If your answer is "Yes," why is another registration being sought? (Check appropriate box)
  - ☐ This is the first published edition of a work previously registered in unpublished form.
  - ☐ This is the first application submitted by this author as copyright claimant.
  - ☐ This is a changed version of the work, as shown by line 6 of this application.
- If your answer is "Yes," give: Previous Registration Number ..... Year of Registration .....

COMPILATION OR DERIVATIVE WORK: (See instructions) (6 Compilation or Derivative Work)

PREEXISTING MATERIAL: (Identify any preexisting work or works that this work is based on or incorporates.)

MATERIAL ADDED TO THIS WORK: (Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.)

MANUFACTURERS AND LOCATIONS: (If this is a published work consisting preponderantly of nondramatic literary material in English, the law may require that the copies be manufactured in the United States or Canada for full protection. If so, the names of the manufacturers who performed certain processes, and the places where these processes were performed *must* be given. See instructions for details.) (7 Manufacturing)

NAMES OF MANUFACTURERS	PLACES OF MANUFACTURE
Modern Litho	Grand Rapids, Michigan
Dekker & Sons (Binders)	Grand Rapids, Michigan

REPRODUCTION FOR USE OF BLIND OR PHYSICALLY-HANDICAPPED PERSONS: (See instructions) (8 License For Handicap)

- Signature of this form at space 10, and a check in one of the boxes here in space 8, constitutes a non-exclusive grant of permission to the Library of Congress to reproduce and distribute solely for the blind and physically handicapped and under the conditions and limitations prescribed by the regulations of the Copyright Office: (1) copies of the work identified in space 1 of this application in Braille (or similar tactile symbols); or (2) phonorecords embodying a fixation of a reading of that work; or (3) both.

a ☒ Copies and phonorecords b ☒ Copies Only c ☒ Phonorecords Only

DEPOSIT ACCOUNT: (If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.)

Name: .....

Account Number: .....

CORRESPONDENCE: (Give name and address to which correspondence about this application should be sent.) (9 Fee and Correspondence)

Name: Sylvester Nemes

Address: 901 S. Plymouth Ct ..... 204 (Apt.)

Chicago (City) IL (State) 60605 (ZIP)

CERTIFICATION: * I, the undersigned, hereby certify that I am the: (Check one) (10 Certification (Application must be signed)

☒ author ☐ other copyright claimant ☐ owner of exclusive right(s) ☐ authorized agent of: Sylvester Nemes
(Name of author or other copyright claimant, or owner of exclusive right(s))

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Handwritten signature: (X) Sylvester Nemes

Typed or printed name: Sylvester Nemes Date: Nov 11, 81

MAIL CERTIFICATE TO (11 Address For Return of Certificate)

(Certificate will be mailed in window envelope)

Sylvester Nemes
(Name)

Apt 204, 901 S. Plymouth Ct
(Number, Street and Apartment Number)

Chicago (City) IL (State) (ZIP code) 60605

* 17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than $2,500.

Jan. 1980—500,000

The Register of Copyrights
of the
United States of America

Please reply to:

Register of Copyrights
Copyright Office
Dept. SF
Library of Congress
Washington, D.C. 20559-6011

Dear Copyright Applicant,

Effective January 3, 1991, the filing fee for copyright registration was increased to **$20.00** for registrations. A full schedule of the new fees is printed on the reverse.

You sent: $10.00

The additional amount due is: $10.00

Failure to send the additional amount within 60 days will result in cancellation of registration without further notice.

Sincerely yours,

Ralph Oman
Register of Copyrights

The Copyright Fees and Technical Amendments Act of 1990 (Public Law 101-318) amends the Copyright Act of 1976 by increasing fees for Copyright Office services, effective January 3, 1991. Citations below are to sections of the Copyright Act of 1976, as amended by Public Law 101-318.

	Fees through 1/2/91	Fees effective 1/3/91	
REGISTRATION OF COPYRIGHT CLAIMS			For each registration and renewal you will receive a certificate bearing the Copyright Office seal.
(Forms TX, VA, PA, SR, CA, SE or GR/CP)	$10.00	$20.00	
Form SE/Group (minimum fee $20)	N/A	$10/issue	
Form MW	$20.00	$20.00	
Form RE	$6.00	$12.00	
RECORDATION OF DOCUMENTS			A document which relates to any disposition of a copyright, such as a transfer, will, or license, may be recorded in the Copyright Office. When processing is completed, the submitted document(s) will be returned to you, along with a certificate of recordation for each document.
Recordation, under section 205, of a document of six pages or less listing no more than one title.	$10.00	$20.00	
Additional pages: each	$.50	N/A	
Additional titles: each	$.50	N/A	
Additional titles: each group of 10 or fewer	N/A	$10.00	
CERTIFICATIONS			Certified copy of the record of registration, including certifications of Copyright Office records. NOTE: fees are cumulative; certification fees are in addition to any other applicable fees, i.e., search, photoduplication, etc.
Additional certificates: each	$4.00	$8.00	
Any other certification: each	$4.00	$20/hr. or fraction	
SEARCHES			The Copyright Office will, upon request, estimate the fee required for a search; the fee must be received before the search is undertaken.
Reports from official records: per hour or fraction.	$10.00	$20.00	
Locating Office records: per hour or fraction	$10.00	$20.00	
FILING OF NOTICE OF INTENTION TO MAKE AND DISTRIBUTE PHONORECORDS	$6.00	$12.00	For the filing, under section 115(b), of notice of intention to make and distribute phonorecords.
RECEIPT FOR DEPOSITS			For the issuance under section 407, mandatory deposit for the Library of Congress, of a receipt for deposit.
each receipt	$2.00	$4.00	
SPECIAL HANDLING FEE			Special handling is granted at the discretion of the Register of Copyrights in a limited number of cases as a service to those who have compelling reasons for the expedited service. For further information on special handling, you may call (202) 707-9100 and record your request for ML-319 (registration of claims) or ML-341 (recordation of documents).
Registration (plus registration or renewal fee) (see above)	$200.00	$200.00	
Additional Fee For each claim given special handling if a single deposit copy covers multiple claims and special handling is requested only for one. This charge may be avoided by submitting a separate deposit copy.	$50.00	$50.00	
Recordation of a Document (plus recordation fee)(see above)	$200.00	$200.00	
FULL-TERM RETENTION OF COPYRIGHT DEPOSITS For the full-term retention of copyright deposits under section 704(e).	$135.00	$135.00	For information on full-term retention, you may call (202) 707-9100 and record your request for Circular 96, Section 202.23.

Fees remitted to the Copyright Office for registration, including those for supplementary or renewal registrations and for special handling, will not be refunded. Payments made in excess of the statutory fee will be refunded, but refunds of $5 or less will not be refunded unless specifically requested.

CERTIFICATE OF COPYRIGHT REGISTRATION

UNITED STATES COPYRIGHT OFFICE
THE LIBRARY OF CONGRESS
OFFICIAL SEAL

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

REGISTER OF COPYRIGHTS
United States of America

FORM TX
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER
TXu 458-724

TX TXU
EFFECTIVE DATE OF REGISTRATION
2 Month 19 Day 91 Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 **TITLE OF THIS WORK ▼**
SOFT-HACKLED FLY IMITATIONS
PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. **Title of Collective Work ▼**

If published in a periodical or serial give: **Volume ▼** **Number ▼** **Issue Date ▼** **On Pages ▼**

2 **NOTE** Under the law, the "author" of a

a **NAME OF AUTHOR ▼**
SYLVESTER NEMES
DATES OF BIRTH AND DEATH Year Born ▼ 1922 Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☑ No
AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR { Citizen of ▶ UNITED STATES / Domiciled in ▶ }
WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? ☐ Yes ☑ No Pseudonymous? ☐ Yes ☐ No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼
ENTIRE TEXT

b **NAME OF AUTHOR ▼**
DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No
AUTHOR'S NATIONALITY OR DOMICILE Name of country OR { Citizen of ▶ / Domiciled in ▶ }
WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? ☐ Yes ☐ No Pseudonymous? ☐ Yes ☐ No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

c **NAME OF AUTHOR ▼**
DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No
AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR { Citizen of ▶ / Domiciled in ▶ }
WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? ☐ Yes ☐ No Pseudonymous? ☐ Yes ☐ No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

03601440 4
03601440 4

3 **YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED** 1991 ◀ Year **This information must be given in all cases.**

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK **Complete this information ONLY if this work has been published.** Month ▶ ____ Day ▶ ____ Year ▶ ____ ◀ Nation

4 **COPYRIGHT CLAIMANT(S)** Name and address must be given even if the claimant is the same as the author given in space 2. ▼
See instructions before completing this space.
SYLVESTER NEMES

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

DO NOT WRITE HERE OFFICE USE ONLY
APPLICATION RECEIVED FEB. 19 1991
ONE DEPOSIT RECEIVED FEB. 19 1991
TWO DEPOSITS RECEIVED
REMITTANCE NUMBER AND DATE

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-11) on the reverse side of this page. • See detailed instructions • Sign the form at line 10.

DO NOT WRITE HERE
____ pages

EXAMINED BY

CHECKED BY

FORM TX

TXu 458-724

☐ CORRESPONDENCE Yes

☐ DEPOSIT ACCOUNT FUNDS USED

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? 5

☐ **Yes** ☐ **No** If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼

☐ This is the first published edition of a work previously registered in unpublished form.

☐ This is the first application submitted by this author as copyright claimant.

☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: **Previous Registration Number** ▼ **Year of Registration** ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation. 6

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

See instructions before completing this space.

MANUFACTURERS AND LOCATIONS If this is a published work consisting preponderantly of nondramatic literary material in English, the law may require that the copies be manufactured in the United States or Canada for full protection. If so, the names of the manufacturers who performed certain processes, and the places where these processes were performed **must** be given. See instructions for details. 7

Names of Manufacturers ▼ **Places of Manufacture** ▼

REPRODUCTION FOR USE OF BLIND OR PHYSICALLY HANDICAPPED INDIVIDUALS A signature on this form at space 10, and a check in one of the boxes here in space 8, constitutes a non-exclusive grant of permission to the Library of Congress to reproduce and distribute solely for the blind and physically handicapped and under the conditions and limitations prescribed by the regulations of the Copyright Office: (1) copies of the work identified in space 1 of this application in Braille (or similar tactile symbols); or (2) phonorecords embodying a fixation of a reading of that work; or (3) both. 8

a ☐ Copies and Phonorecords b ☐ Copies Only c ☐ Phonorecords Only

See instructions.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account 9

Name ▼ **Account Number** ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

SYLVESTER NEMES
PO BOX 3782
BOZEMAN, MT 59772

Area Code & Telephone Number ▶ 406 587-8301

Be sure to give your daytime phone number ◀

CERTIFICATION* I, the undersigned, hereby certify that I am the 10

Check one ▶

☑ author
☐ other copyright claimant
☐ owner of exclusive right(s)
☐ authorized agent of _____

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 3.

date ▶

Handwritten signature (X) ▼ Sylvester Nemes

MAIL CERTIFICATE TO 11

Certificate will be mailed in window envelope

Name ▼
SYLVESTER NEMES

Number/Street/Apartment Number ▼
PO BOX 3782

City/State/ZIP ▼
BOZEMAN, MT 59772

Have you:
- Completed all necessary spaces?
- Signed your application in space 10?
- Enclosed check or money order for $10 payable to *Register of Copyrights*?
- Enclosed your deposit material with the application and fee?

MAIL TO: Register of Copyrights, Library of Congress, Washington, D.C. 20559

* 17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than $2,500.

☆ U.S. GOVERNMENT PRINTING OFFICE: 1983: 381-278/507

1983—600,000

COPYRIGHT
OFFICE

IN ANSWER TO YOUR QUERY

RFL
109

COPYRIGHT REGISTRATION OF BOOKS, MANUSCRIPTS, AND SPEECHES

LIBRARY
OF
CONGRESS

Washington
D.C.
20559

A published or unpublished book or manuscript may be submitted for registration in the Copyright Office. Form TX should be used to apply for copyright registration for textual works, with or without illustrations. Form TX is appropriate for registration of non-dramatic literary works including: fiction, non-fiction, poetry, contributions to collective works, compilations, directories, catalogs, dissertations, theses, reports, speeches, bound or looseleaf volumes, pamphlets, brochures, and single pages containing text. Form SE should be used to apply for copyright registration for serial publications including: periodicals, newspapers, magazines, bulletins, newsletters, annuals, and journals.

To register a book or manuscript, send the following three elements **in the same envelope or package** to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559:

1. A completed application Form TX;
2. A non-refundable filing fee of $10.00;
3. A non-returnable deposit of the work. The deposit requirements depend on whether the work has been published at the time of registration:
   - If the work is unpublished, one complete copy or phonorecord.
   - If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.
   - If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords as first published.
   - If the work was first published outside of the United States, one complete copy or phonorecord of the work as first published.
   - If the work is a contribution to a collective work, and published after January 1, 1978, one complete copy or phonorecord of the best edition of the collective work.

Copyright protects only the particular manner of an author's expression in literary, artistic, or musical form. Copyright protection does not extend to names, titles, short phrases, ideas, systems, or methods.

Sincerely yours,

Register of Copyrights

Copyright Registration of
Books and Manuscripts
November 1984—40,000

Circular R1

Copyright Basics



Index

Page	Subject
3	What Copyright Is
3	Who Can Claim Copyright
4	Copyright and National Origin of the Work
4	The Manufacturing Clause
4	What Works Are Protected
4	What Is Not Protected by Copyright
5	How to Secure a Copyright
5	Copyright Secured Automatically Upon Creation
5	Publication
6	Notice of Copyright
6	Form of Notice for Visually Perceptible Copies
6	Form of Notice for Phonorecords of Sound Recordings
6	Position of Notice
7	Publications Incorporating United States Government Works
7	Unpublished Works
7	Effect of Omission of the Notice or of Error in the Name or Date
7	How Long Copyright Protection Endures
7	Works Originally Copyrighted on or After January 1, 1978
7	Works Copyrighted Before January 1, 1978
7	Transfer of Copyright
8	Termination of Transfers
8	International Copyright Protection
8	Copyright Registration
9	Registration Procedures
9	In General
10	Unpublished Collections
10	Special Deposit Requirements
10	Cataloging in Publication Division (CIP), Library of Congress Catalog Card Numbers
10	Corrections and Amplifications of Existing Registrations
10	Mandatory Deposit for Works Published in the United States With Notice of Copyright
10	Use of Mandatory Deposit to Satisfy Registration Requirements
11	Who May File an Application Form
11	Application Forms
11	For Original Registration
11	For Renewal Registration
11	For Corrections and Amplifications
11	Other Forms for Special Purposes
12	Mailing Instructions
12	What Happens If the Three Elements Are Not Received Together
12	Fees
12	Effective Date of Registration
12	Search of Copyright Office Records
12	Available Information

Copyright Basics

On January 1, 1978, the Copyright Act of 1976 (title 17 of the United States Code) came into effect. This general revision of the copyright law of the United States, the first such revision since 1909, makes important changes in our copyright system and supersedes the previous Federal copyright statute. For highlights of the overall changes in the copyright law, request Circular R99 from the Copyright Office.

WHAT COPYRIGHT IS

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works of authorship" including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- *To reproduce* the copyrighted work in copies or phonorecords;
- *To prepare derivative works* based upon the copyrighted work;
- *To distribute copies or phonorecords* of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- *To perform the copyrighted work publicly,* in the case of literary, musical, dramatic, and choreographic works, pantomines, and motion pictures and other audiovisual works, and
- *To display the copyrighted work publicly,* in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work.

It is illegal for anyone to violate any of the rights provided to the owner of copyright by the Act. These rights, however, are not unlimited in scope. Sections 107 through 118 of the Copyright Act establish limitations on these rights. In some cases, these limitations are specified exemptions from copyright liability. One major limitation is the doctrine of "fair use," which is now given a statutory basis by section 107 of the Act. In other instances, the limitation takes the form of a "compulsory license" under which certain limited uses of copyrighted works are permitted upon payment of specified royalties and compliance with statutory conditions. For further information about the limitations of any of these rights, consult the Copyright Act or write to the Copyright Office.

WHO CAN CLAIM COPYRIGHT

Copyright protection subsists from the time the work is created in fixed form; that is, it is an incident of the process of authorship. The copyright in the work of authorship ***immediately*** becomes the property of the author who created it. Only the author or those deriving their rights through the author can rightfully claim copyright.

In the case of works made for hire, the employer and not the employee is presumptively considered the author. Section 101 of the copyright statute defines a "work made for hire" as:

> (1) a work prepared by an employee within the scope of his or her employment; or
>
> (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. . . .

The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary.

Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

Two General Principles

- Mere ownership of a book, manuscript, painting, or any other copy or phonorecord does not give the possessor the copyright. The law provides that transfer of ownership of any material object that embodies a protected work does not of itself convey any rights in the copyright.

- Minors may claim copyright, but state laws may regulate the business dealings involving copyrights owned by minors. For information on relevant state laws, it would be well to consult an attorney.

COPYRIGHT AND NATIONAL ORIGIN OF THE WORK

Copyright protection is available for all unpublished works, regardless of the nationality or domicile of the author.

Published works are eligible for copyright protection in the United States if any one of the following conditions is met:

- On the date of first publication, one or more of the authors is a national or domiciliary of the United States or is a national, domiciliary, or sovereign authority of a foreign nation that is a party to a copyright treaty to which the United States is also a party, or is a stateless person wherever that person may be domiciled; or
- The work is first published in the United States or in a foreign nation that, on the date of first publication, is a party to the Universal Copyright Convention; or the work comes within the scope of a Presidential proclamation.

THE MANUFACTURING CLAUSE

The manufacturing clause in the copyright law, section 601 of the 1976 Copyright Act (title 17, U.S. Code), was extended by Congress in July 1982 until July 1, 1986; without this congressional action, the manufacturing provisions in the copyright law would have expired on July 1, 1982.

The manufacturing clause applies only to published works, primarily textual, written by United States authors or domiciliaries. The provisions require that copies of a work "consisting preponderantly of nondramatic literary material that is in the English language" be manufactured in the United States or Canada in order to be lawfully imported and publicly distributed in the United States. There are several exceptions to the provisions; they relate to three general categories: the nature of the work, the processes used to manufacture the copies, or certain facts existing at the time of importation or distribution of copies in the United States. One of the exceptions of the third type provides for the issuance of an Import Statement which will permit the importation of up to 2,000 copies of a foreign edition when certain conditions are met.

For further information on the issuance of import statements (Form IS), please write to:

Information and Publications Section, LM-455
Copyright Office
Library of Congress
Washington, D.C. 20559

WHAT WORKS ARE PROTECTED

Copyright protection exists for "original works of authorship" when they become fixed in a tangible form of expression. The fixation does not need to be directly perceptible, so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

(1) literary works;
(2) musical works, including any accompanying words;
(3) dramatic works, including any accompanying music;
(4) pantomimes and choreographic works;
(5) pictorial, graphic, and sculptural works;
(6) motion pictures and other audiovisual works; and
(7) sound recordings.

This list is illustrative and is not meant to exhaust the categories of copyrightable works. These categories should be viewed quite broadly so that, for example, computer programs and most "compilations" are registrable as "literary works"; maps and architectural blueprints are registrable as "pictorial, graphic, and sculptural works."

WHAT IS NOT PROTECTED BY COPYRIGHT

Several categories of material are generally not eligible for statutory copyright protection. These include among others:

- Works that have *not* been fixed in a tangible form of expression. For example: choreographic works which have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded.
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents.
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration.

- Works consisting *entirely* of information that is common property and containing no original authorship. For example: standard calendars, height and weight charts, tape measures and rules, and lists or tables taken from public documents or other common sources.

HOW TO SECURE A COPYRIGHT

Copyright Secured Automatically Upon Creation

The way in which copyright protection is secured under the present law is frequently misunderstood. No publication or registration or other action in the Copyright Office is required to secure copyright under the present law, unlike the previous law, which required either publication with the copyright notice or registration in the Copyright Office (see NOTE below). There are, however, certain definite advantages to registration. (See page 9.)

Under the present law, copyright is secured *automatically* when the work is created, and a work is "created" when it is fixed in a copy or phonorecord for the first time. In general, "copies" are material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as books, manuscripts, sheet music, film, videotape, or microfilm. "Phonorecords" are material objects embodying fixations of sounds (excluding, by statutory definition, motion picture soundtracks), such as audio tapes and phonograph disks. Thus, for example, a song (the "work") can be fixed in sheet music ("copies") or in phonograph disks ("phonorecords"), or both.

If a work is prepared over a period of time, the part of the work existing in fixed form on a particular date constitutes the created work as of that date.

NOTE: Before 1978, statutory copyright was generally secured by the act of publication with notice of copyright, assuming compliance with all other relevant statutory conditions. Works in the public domain on January 1, 1978 (for example, works published without satisfying all conditions for securing statutory copyright under the Copyright Act of 1909) remain in the public domain under the current Act.

Statutory copyright could also be secured before 1978 by the act of registration in the case of certain unpublished works and works eligible for ad interim copyright. The current Act automatically extends to full term copyright (section 304 sets the term) for all works in which ad interim copyright was subsisting or was capable of being secured on December 31, 1977.

PUBLICATION

Publication is no longer the key to obtaining statutory copyright as it was under the Copyright Act of 1909. However, publication remains important to copyright owners.

The Copyright Act defines publication as follows:

> "Publication" is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication.

A further discussion of the definition of "publication" can be found in the legislative history of the Act. The legislative reports define "to the public" as distribution to persons under no explicit or implicit restrictions with respect to disclosure of the contents. The reports state that the definition makes it clear that the sale of phonorecords constitutes publication of the underlying work, for example, the musical, dramatic, or literary work embodied in a phonorecord. The reports also state that it is clear that any form of dissemination in which the material object does not change hands, for example, performances or displays on television, is *not* a publication no matter how many people are exposed to the work. However, when copies or phonorecords are offered for sale or lease to a group of wholesalers, broadcasters, or motion picture theaters, publication does take place if the purpose is further distribution, public performance, or public display.

Publication is an important concept in the copyright law because upon publication, several significant consequences follow. Among these are:

- When a work is published, all published copies should bear a notice of copyright. (See discussion below of "notice of copyright.")
- Works that are published with notice of copyright in the United States are subject to mandatory deposit with the

Library of Congress. (See discussion on page 10 on "mandatory deposit.")

- Publication of a work can affect the limitations on the exclusive rights of the copyright owner that are set forth in sections 107 through 118 of the law.
- The year of publication is used in determining the duration of copyright protection for anonymous and pseudonymous works (when the author's identity is not revealed in the records of the Copyright Office) and for works made for hire.
- Deposit requirements for registration of published works differ from those for registration of unpublished works. (See discussion on page 9 of "copyright registration" procedures.)

NOTICE OF COPYRIGHT

When a work is published under the authority of the copyright owner, a notice of copyright should be placed on all publicly distributed copies and on all publicly distributed phonorecords of sound recordings. This notice is required even on works published outside of the United States. Failure to comply with the notice requirement can result in the loss of certain additional rights otherwise available to the copyright owner.

The use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from, or registration with, the Copyright Office.

Form of Notice for Visually Perceptible Copies

The notice for visually perceptible copies should contain all of the following three elements:

1. *The symbol* © (the letter C in a circle), or the word "Copyright," or the abbreviation "Copr."
2. *The year of first publication* of the work. In the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient. The year date may be omitted where a pictorial, graphic, or sculptural work, with accompanying textual matter, if any, is reproduced in or on greeting cards, postcards, stationery, jewelry, dolls, toys, or any useful articles.
3. *The name of the owner of copyright* in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

Example: © 1984 John Doe

The "C in a circle" notice is required only on "visually perceptible copies." Certain kinds of works, for example, musical, dramatic, and literary works, may be fixed not in "copies" but by means of sound in an audio recording. Since audio recordings such as audio tapes and phonograph disks are "phonorecords" and not "copies," there is no requirement that the phonorecord bear a "C in a circle" notice to protect the underlying musical, dramatic, or literary work that is recorded.

Form of Notice for Phonorecords of Sound Recordings

The copyright notice for phonorecords of sound recordings* has somewhat different requirements. The notice appearing on phonorecords should contain the following three elements:

- *The symbol* Ⓟ (the letter P in a circle); and
- *The year of first publication* of the sound recording; and
- *The name of the owner of copyright* in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner. If the producer of the sound recording is named on the phonorecord labels or containers, and if no other name appears in conjunction with the notice, the producer's name shall be considered a part of the notice.

Example: Ⓟ 1984 A.B.C., Inc.

NOTE: Because of problems that might result in some cases from the use of variant forms of the notice, any form of the notice other than these given here should not be used without first seeking legal advice.

Position of Notice

The notice should be affixed to copies or phonorecords of the work in such a manner and location as to "give reasonable notice of the claim of copyright." The notice on phonorecords may appear on the surface of the phonorecord or on

*Sound recordings are defined as "works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work, regardless of the nature of the material objects, such as disks, tapes, or other phonorecords, in which they are embodied."

the phonorecord label or container, provided the manner of placement and location gives reasonable notice of the claim. The three elements of the notice should ordinarily appear together on the copies or phonorecords. The Copyright Office has issued regulations concerning the form and position of the copyright notice in the *Code of Federal Regulations* (37 C.F.R. Part 201); copies of these regulations are available from the Copyright Office as Circular R96 201.20.

Publications Incorporating United States Government Works

Whenever a work is published in copies or phonorecords consisting preponderantly of one or more works of the United States Government, the notice of copyright shall also include a statement identifying, either affirmatively or negatively, those portions of the copies or phonorecords embodying any work or works protected by title 17 of the United States Code.

Unpublished Works

The copyright notice is not required on unpublished works. To avoid an inadvertent publication without notice, however, it may be advisable for the author or other owner of the copyright to affix notices, or a statement such as *Unpublished Work* © 1984 John Doe, to any copies or phonorecords which leave his or her control.

Effect of Omission of the Notice or of Error in the Name or Date

Unlike the law in effect before 1978, the new Copyright Act, in sections 405 and 406, provides procedures for correcting errors and omissions of the copyright notice on works published on or after January 1, 1978.

In general, the omission or error does not automatically invalidate the copyright in a work if registration for the work has been made before or is made within 5 years after the publication without notice, and a reasonable effort is made to add the notice to all copies or phonorecords that are distributed to the public in the United States after the omission has been discovered.

HOW LONG COPYRIGHT PROTECTION ENDURES

Works Originally Copyrighted on or After January 1, 1978

A work that is created (fixed in tangible form for the first time) on or after January 1, 1978, is automatically protected from the moment of its creation, and is ordinarily given a term enduring for the author's life, plus an additional 50 years after the author's death. In the case of "a joint work prepared by two or more authors who did not work for hire," the term lasts for 50 years after the last surviving author's death. For works made for hire, and for anonymous and pseudonymous works (unless the author's identity is revealed in Copyright Office records), the duration of copyright will be 75 years from publication or 100 years from creation, whichever is shorter.

Works that were created before the present law came into effect, but had neither been published nor registered for copyright before January 1, 1978, have been automatically brought under the statute and are now given Federal copyright protection. The duration of copyright in these works will generally be computed in the same way as for works created on or after January 1, 1978: the life-plus-50 or 75/100-year terms will apply to them as well. However, all works in this category are guaranteed at least 25 years of statutory protection.

Works Copyrighted Before January 1, 1978

Under the law in effect before 1978, copyright was secured either on the date a work was published, or on the date of registration if the work was registered in unpublished form. In either case, the copyright endured for a first term of 28 years from the date it was secured. During the last (28th) year of the first term, the copyright was eligible for renewal. The new copyright law has extended the renewal term from 28 to 47 years for copyrights that were subsisting on January 1, 1978, making these works eligible for a total term of protection of 75 years. However, the copyright *must* be timely renewed to receive the 47-year period of added protection. For more detailed information on the copyright term, write to the Copyright Office and request Circulars R15a and R15t. For information on how to search the Copyright Office records concerning the copyright status of a work, ask for Circular R22.

TRANSFER OF COPYRIGHT

Any or all of the exclusive rights, or any subdivision of those rights, of the copyright owner may be transferred, but the transfer of *exclusive* rights is not valid unless that transfer is in writing and signed by the owner of the rights con-

veyed (or such owner's duly authorized agent). Transfer of a right on a nonexclusive basis does not require a written agreement.

A copyright may also be conveyed by operation of law and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession.

Copyright is a personal property right, and it is subject to the various state laws and regulations that govern the ownership, inheritance, or transfer of personal property as well as terms of contracts or conduct of business. For information about relevant state laws, consult an attorney.

Transfers of copyright are normally made by contract. The Copyright Office does not have or supply any forms for such transfers. However, the law does provide for the recordation in the Copyright Office of transfers of copyright ownership. Although recordation is not required to make a valid transfer as between the parties, it does provide certain legal advantages and may be required to validate the transfer as against third parties. For information on recordation of transfers and other documents related to copyright, write to the Copyright Office for Circular R12.

TERMINATION OF TRANSFERS

Under the previous law, the copyright in a work generally reverted to the author, if living, or if the author was not living, to other specified beneficiaries, provided a renewal claim was registered in the 28th year of the original term. The present law drops the renewal feature except for works already in their first term of statutory protection when the present law took effect. Instead, the present law generally permits termination of a grant of rights after 35 years under certain conditions by serving written notice on the transferee within specified time limits.

For works already under statutory copyright protection, the present law provides a similar right of termination covering the newly added years that extended the former maximum term of the copyright from 56 to 75 years. For further information, write to the Copyright Office for Circulars R15a and R15t.

INTERNATIONAL COPYRIGHT PROTECTION

There is no such thing as an "international copyright" that will automatically protect an author's writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions. For a list of countries which maintain copyright relations with the United States, write to the Copyright Office and ask for Circular R38a.

The United States is a member of the Universal Copyright Convention (the UCC), which came into force on September 16, 1955. Generally, a work by a national or domiciliary of a country that is a member of the UCC or a work first published in a UCC country may claim protection under the UCC. If the work bears the notice of copyright in the form and position specified by the UCC, this notice will satisfy and substitute for any other formalities a UCC member country would otherwise impose as a condition of copyright. A UCC notice should consist of the symbol © accompanied by the name of the copyright proprietor and the year of first publication of the work.

An author who wishes protection for his or her work in a particular country should first find out the extent of protection of foreign works in that country. If possible, this should be done before the work is published anywhere, since protection may often depend on the facts existing at the time of **first** publication.

If the country in which protection is sought is a party to one of the international copyright conventions, the work may generally be protected by complying with the conditions of the convention. Even if the work cannot be brought under an international convention, protection under the specific provisions of the country's national laws may still be possible. Some countries, however, offer little or no copyright protection for foreign works.

COPYRIGHT REGISTRATION

In general, copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. However, except in two specific situations,* registration is not a condition of copyright protection.

*Works published with notice of copyright prior to January 1, 1978, must be registered and renewed during the first 28-year term of copyright to maintain protection.

Under sections 405 and 406 of the Copyright Act, copyright registration may be required to preserve a copyright that would otherwise be invalidated because the copyright notice was omitted from the published copies or phonorecords, or the name or year date was omitted, or certain errors were made in the year date.

Even though registration is not generally a requirement for protection, the copyright law provides several inducements or advantages to encourage copyright owners to make registration. Among these advantages are the following:

- Registration establishes a public record of the copyright claim;
- Registration is ordinarily necessary before any infringement suits may be filed in court;
- If made before or within 5 years of publication, registration will establish prima facie evidence in court of the validity of the copyright and of the facts stated in the certificate; and
- If registration is made within 3 months after publication of the work or prior to an infringement of the work, statutory damages and attorney's fees will be available to the copyright owner in court actions. Otherwise, only an award of actual damages and profits is available to the copyright owner.

Registration may be made at any time within the life of the copyright. Unlike the law before 1978, when a work has been registered in unpublished form, it is not necessary to make another registration when the work becomes published (although the copyright owner may register the published edition, if desired).

NOTE: Before 1978, the copyright law required, as a condition for copyright protection, that all copies published with the authorization of the copyright owner bear a proper notice. If a work was published under the copyright owner's authority before January 1, 1978, without a proper copyright notice, all copyright protection for that work was permanently lost in the United States. The new copyright law does not provide retroactive protection for those works.

REGISTRATION PROCEDURES

In General

To register a work, send the following three elements to the Copyright Office ***in the same envelope or package*** to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559: (see page 12 for what happens if the elements are sent separately).

1. A properly completed application form;
2. A nonreturnable filing fee of $10 for each application;
3. A deposit of the work being registered. The deposit requirements will vary in particular situations. The general requirements are as follows:

- If the work is unpublished, one complete copy or phonorecord.
- If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.
- If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.
- If the work was first published outside the United States, whenever published, one complete copy or phonorecord of the work as first published.
- If the work is a contribution to a collective work, and published after January 1, 1978, one complete copy or phonorecord of the best edition of the collective work.

NOTE: COMPLETE THE APPLICATION FORM USING BLACK INK PEN OR TYPEWRITER. After registration is completed, the application form becomes a part of the official permanent records of the Copyright Office so the application forms must meet archival standards. Therefore, applications should be submitted on the forms printed and issued by the Copyright Office. Because the certificate itself will be reproduced from the application by xerographic process, it should be completed legibly in black ink or typewritten.

Unpublished Collections

A work may be registered in unpublished form as a "collection," with one application and one fee, under the following conditions:

- The elements of the collection are assembled in an orderly form;
- The combined elements bear a single title identifying the collection as a whole;
- The copyright claimant in all the elements and in the collection as a whole is the same; and
- All of the elements are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element.

Unpublished collections are indexed in the *Catalog of Copyright Entries* only under the collection titles.

Special Deposit Requirements

The Copyright Act gives the Register of Copyrights authority to issue regulations making adjustments in the statutory deposit requirements. These regulations as now issued require or permit, for particular classes, the deposit of identifying material instead of copies or phonorecords, the deposit of only one copy or phonorecord where two would normally be required, and in some cases material other than complete copies of the best edition. For example, the regulations ordinarily require deposit of identifying material, such as photographs or drawings, when the work being registered has been reproduced in three-dimensional copies.

If you are unsure of the proper deposit required for your work, write to the Copyright Office for that information and describe the work you wish to register.

NOTE: LIBRARY OF CONGRESS CATALOG CARD NUMBERS.
A Library of Congress Catalog Card Number is different from a copyright registration number. The Cataloging in Publication (CIP) Division of the Library of Congress is responsible for assigning LC Catalog Card Numbers and is operationally separate from the Copyright Office. A book may be registered in or deposited with the Copyright Office but not necessarily cataloged and added to the Library's collections. For information about obtaining an LC Catalog Card Number, contact the CIP Division, Library of Congress, Washington, D.C. 20540.

CORRECTIONS AND AMPLIFICATIONS OF EXISTING REGISTRATIONS

To deal with cases in which information in the basic registration later turns out to be incorrect or incomplete, the law provides for "the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration." The information in a supplementary registration augments but does not supersede that contained in the earlier registration. Note also that a supplementary registration is not a substitute for an original registration or for a renewal registration. Form CA is available from the Copyright Office for making a supplementary registration. For further information about supplementary registrations, write for Circular R8.

MANDATORY DEPOSIT FOR WORKS PUBLISHED IN THE UNITED STATES WITH NOTICE OF COPYRIGHT

Although a copyright registration is not required, the Copyright Act establishes a mandatory deposit requirement for works published with notice of copyright in the United States (see definition of "publication" on page 5). In general, the owner of copyright, or the owner of the right of first publication in the work, has a legal obligation to deposit in the Copyright Office, within 3 months of publication in the United States, 2 copies (or, in the case of sound recordings, 2 phonorecords) for the use of the Library of Congress. Failure to make the deposit can result in fines and other penalties, but does not affect copyright protection.

The Copyright Office has issued regulations *exempting* certain categories of works *entirely* from the mandatory deposit requirements, and reducing the obligation for certain other categories. For further information about mandatory deposit, please write to the Copyright Office for Circular R7d.

USE OF MANDATORY DEPOSIT TO SATISFY REGISTRATION REQUIREMENTS

With respect to works published in the United States the Copyright Act contains a special provision under which a single deposit can be made to satisfy both the deposit requirements for the Library and the registration requirements. The provision requires that, in order to have this dual effect, the copies or phonorecords must be "accompanied by the prescribed application and fee" for registration.

WHO MAY FILE AN APPLICATION FORM

The following persons are legally entitled to submit an application form:

- The author. This is either the person who actually created the work, or, if the work was made for hire, the employer or other person for whom the work was prepared.

- The copyright claimant. The copyright claimant is defined in Copyright Office regulations as either the author of the work or a person or organization that has obtained ownership of all the rights under the copyright initially belonging to the author. This category includes a person or organization who has obtained by contract the right to claim legal title to the copyright in an application for copyright registration.

- The owner of exclusive right(s). Under the new law, any of the exclusive rights that go to make up a copyright and any subdivision of them can be transferred and owned separately, even though the transfer may be limited in time or place of effect. The term "copyright owner" with respect to any one of the exclusive rights contained in a copyright refers to the owner of that particular right. Any owner of an exclusive right may apply for registration of a claim in the work.

- The duly authorized agent of such author, other copyright claimant, or owner of exclusive right(s). Any person authorized to act on behalf of the author, other copyright claimant, or owner of exclusive right(s) may apply for registration.

There is no requirement that applications be prepared or filed by an attorney.

APPLICATION FORMS

For Original Registration

Form TX: for published and unpublished nondramatic literary works

Form SE: for serials, works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely (periodicals, newspapers, magazines, newsletters, annuals, journals, etc.)

Form PA: for published and unpublished works of the performing arts (musical and dramatic works, pantomimes and choreographic works, motion pictures and other audiovisual works)

Form VA: for published and unpublished works of the visual arts (pictorial, graphic, and sculptural works)

Form SR: for published and unpublished sound recordings

For Renewal Registration

Form RE: for claims to renewal copyright in works copyrighted under the law in effect through December 31, 1977 (1909 Copyright Act)

For Corrections and Amplifications

Form CA: for supplementary registration to correct or amplify information given in the Copyright Office record of an earlier registration

Other Forms for Special Purposes

Form GR/CP: an adjunct application to be used for registration of a group of contributions to periodicals in addition to an application Form TX, PA, or VA

Form IS: request for issuance of an import statement under the manufacturing provisions of the Copyright Act

Application forms are supplied by the Copyright Office free of charge.

FORMS HOTLINE

NOTE: Requestors may order application forms at any time by telephoning (202) 287-9100. Orders will be recorded automatically and filled as quickly as possible.

MAILING INSTRUCTIONS

All applications and materials related to copyright registration sent to the Copyright Office should be addressed to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559.

The application, deposit (copies or phonorecords), and nonreturnable filing fee should be mailed in the same package.

WHAT HAPPENS IF THE THREE ELEMENTS ARE NOT RECEIVED TOGETHER

Applications and fees received without copies or phonorecords will not be processed and will ordinarily be returned. Unpublished deposits alone will ordinarily be returned, also. Published deposits received without applications and fees will be immediately transferred to the collections of the Library of Congress. This practice is in accordance with section 408 of the law which provides that the published deposit required for the collections of the Library of Congress may be used for registration only if the deposit is "accompanied by the prescribed application and fee . . ."

After the deposit is received and transferred to another department of the Library for its collections or other disposition, it is no longer available to the Copyright Office; the custody of that deposit has also been transferred to the other department. Then, if you wish to make copyright registration, you must deposit additional copies or phonorecords with your application and fee.

FEES

Do not send cash. Fees sent to the Copyright Office should be in the form of a money order, check, or bank draft payable to the Register of Copyrights; it should be securely attached to the application.

EFFECTIVE DATE OF REGISTRATION

Please note that **a copyright registration is effective on the date of receipt in the Copyright Office of all the required elements in acceptable form,** regardless of the length of time it takes thereafter to process the application and mail the certificate of registration. The length of time required by the Copyright Office to process an application varies from time to time, depending on the amount of material received and the personnel available to handle it. It must also be kept in mind that it may take a number of days for mailed material to reach the Copyright Office and for the certificate of registration to reach the recipient after being mailed by the Copyright Office.

If you are filing an application for copyright registration in the Copyright Office, you *will not* receive an acknowledgement that your application has been received (the Office receives more than 500,000 applications annually), but you can expect:

- A letter or telephone call from a copyright examiner if further information is needed;
- A certificate of registration to indicate the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected.

You may not receive either of these until 90 days have passed.

If you want to know when the Copyright Office receives your material, you should send it via registered or certified mail and request a return receipt.

SEARCH OF COPYRIGHT OFFICE RECORDS

The records of the Copyright Office are open to inspection and searching by the public. Moreover, on request, the Copyright Office will make a search of its records at the statutory rate of $10 for each hour or fraction of an hour consumed. For information on searching the Office records concerning the copyright status or ownership of a work, please write for Circulars R22 and R23.

AVAILABLE INFORMATION

This circular attempts to answer some of the questions that are frequently asked about copyright. For a list of other material published by the Copyright Office, write for "Publications on Copyright." Any requests for Copyright Office publications or special questions relating to copyright problems not mentioned in this circular should be addressed to the Information and Publications Section, LM-455, Copyright Office, Library of Congress, Washington, D.C. 20559.

The Copyright Office is not permitted to give legal advice. If you need information or guidance on matters such as disputes over the ownership of a copyright, suits against possible infringers, the procedure for getting a work published, or the method of obtaining royalty payments, it may be necessary to consult an attorney.

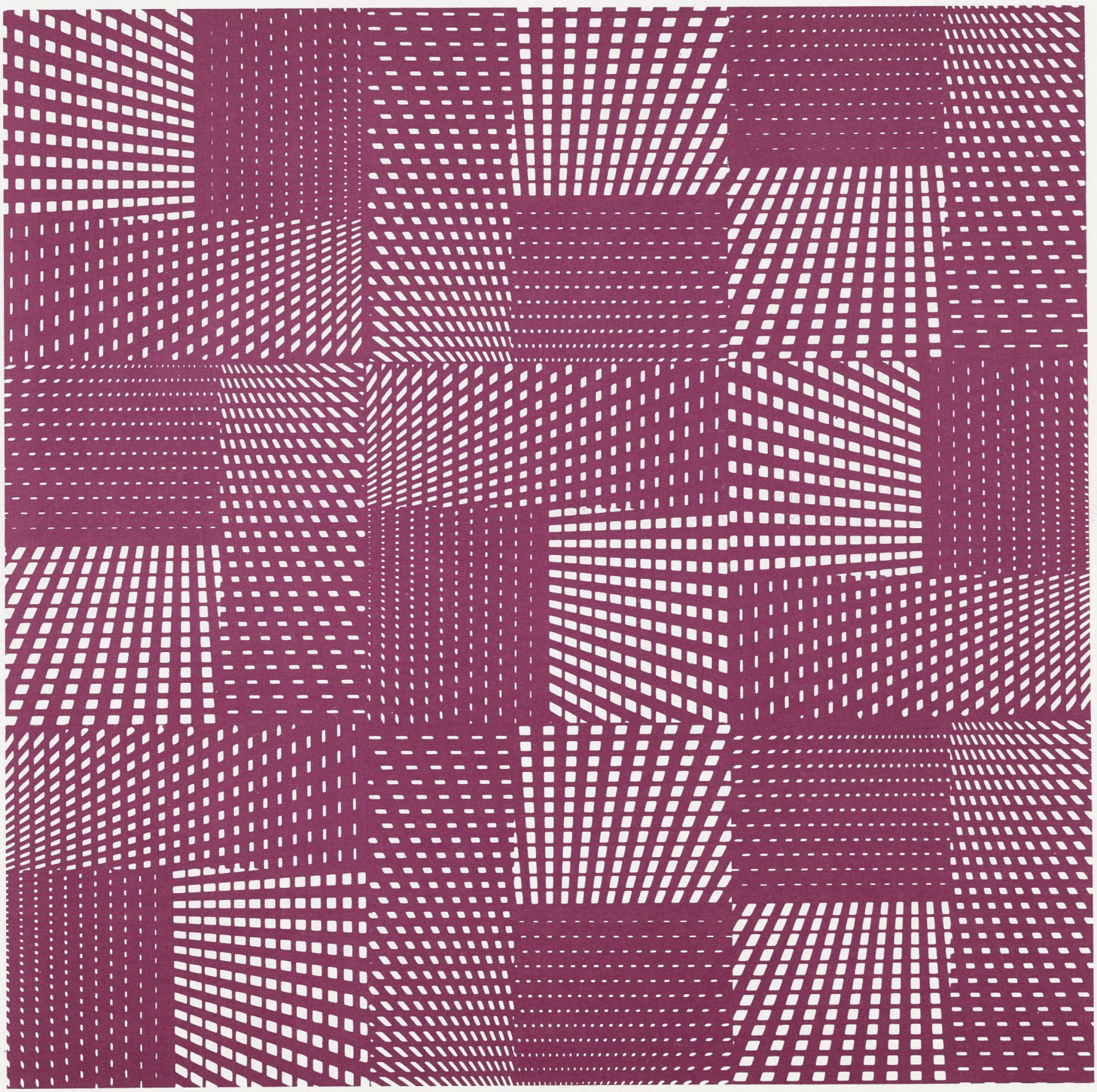
Copyright Office • Library of Congress • Washington, D.C. 20559

September 1984—150,000

☆U.S. GOVERNMENT PRINTING OFFICE: 1984—421-279—10,011

Circular R1c

Copyright Registration Procedures



Copyright Registration Procedures

COPYRIGHT REGISTRATION

In general, copyright registration is a legal formality placing on public record the basic facts of a particular copyright. Under the 1976 Copyright Act (title 17, United States Code) which became effective January 1, 1978, a work of original authorship is protected by copyright from the time the work is created in fixed form; registration in the Copyright Office is considered "permissive" or "voluntary," not mandatory, and except in two specific situations,* is not a condition of copyright itself. However, there are certain advantages to registration, including establishing a public record of the copyright claim, securing the right to file an infringement suit, establishing prima facie evidence of the validity of the copyright, and making available a broader range of remedies in infringement suits.

Under the copyright law in effect before 1978, copyright was secured either on the date a work was published with notice of copyright, or on the date of registration if the work was registered in unpublished form. For information about claims and renewals for works copyrighted before 1978, write to:

Information Section, LM-455
Copyright Office
Library of Congress
Washington, D.C. 20559

REGISTRATION PROCEDURES

To register a claim to copyright in a work, send the following three elements *in the same envelope or package* to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559:

1. **A properly completed application form (use a typewriter or black pen);**
2. **A non-refundable fee of $10.00 (not cash) for each application;**
3. **A deposit of the work being registered.** The deposit requirements will vary in particular situations. The general requirements are as follows:
   - If the work is unpublished, one complete copy or phonorecord.
   - If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.
   - If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.
   - If the work was first published outside the United States, one complete copy or phonorecord of the work as first published, regardless of the date of publication.
   - If the work is a contribution to a collective work, and published after January 1, 1978, one complete copy or phonorecord of the best edition of the collective work.

*Works published with notice of copyright prior to January 1, 1978, must be registered and renewed during the first 28-year term of copyright to maintain protection.

Under sections 405 and 406 of the Copyright Act, copyright registration may be required to preserve a copyright that would otherwise be invalidated because of the omission of the copyright notice from the published copies or phonorecords, or omission of the name or date, or an error in the year date.

FEES

Do not send cash. A fee sent to the Copyright Office for copyright registration should be in the form of a money order, check, or bank draft payable to the Register of Copyrights; it should be securely attached to the application. **The copyright registration fee is a filing fee and is non-refundable.**

MAILING INSTRUCTIONS

Remember:

The application, deposit (copies or phonorecords), and fee should be mailed ***in the same package*** to:

Register of Copyrights
Copyright Office
Library of Congress
Washington, D.C. 20559

APPLICATION FORMS

Before you submit an application for registration, choose the most appropriate form. There are presently five kinds of application forms available for original registration—

Form TX: for published and unpublished non-dramatic literary works (books, pamphlets, computer programs, manuscripts, poems, etc.)

Form SE: for serials: works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be

continued indefinitely (periodicals, newspapers, magazines, newsletters, annuals, journals, etc.)

Form PA: for published and unpublished works of the performing arts (musical compositions, dramatic works, pantomimes and choreographic works, motion pictures and other audiovisual works)

Form VA: for published and unpublished works of the visual arts (pictorial, graphic, and sculptural works)

Form SR: for published and unpublished sound recordings (a sound recording is a work resulting from the fixation of a series of sounds—the author is the performer, or the record producer, or both), but not for sounds accompanying a motion picture or other audiovisual work

In addition, there is an application form, Form RE, for renewals of claims in works copyrighted under the copyright law in existence before 1978; and a form for corrections and amplifications, Form CA.

Form GR/CP, an adjunct application for copyright registration for a group of contributions to periodicals, is the appropriate form to use when you are submitting a basic application on Form TX, Form PA, or Form VA, for a group of works that qualify for a single registration under section 408 (c)(2) of the copyright statute; please write for Form GR/CP.

Most works will fall naturally into one of the five main categories of copyrightable material. If your work contains copyrightable material falling into two or more classes, choose the one class that is most appropriate for the work as a whole. If your work, however, is an audiovisual work consisting of components which could fall into several classes, choose Form PA. If your claim to copyright includes a claim in the sound recording use Form SR.

Use only the officially printed application form; using photocopies or other reproductions of the application form may delay your registration.

HOW TO ORDER APPLICATION FORMS

Call (202) 287-9100 at any time to order copyright registration application forms, which are supplied free of charge. You may also request Circular R1, "Copyright Basics," and other circulars if you know the circular number. See Circular R2, "Publications on Copyright," for circular numbers. Or you may request forms and circulars by writing:

Copyright Office
Publications Section, LM-455
Library of Congress
Washington, D.C. 20559

EFFECTIVE DATE OF REGISTRATION

Please note that a *copyright registration is effective on the date of receipt in the Copyright Office of all the required elements in acceptable form,* regardless of the length of time it takes thereafter to process the application and mail the certificate of registration. The length of time required by the Copyright Office to process an application varies from time to time, depending on the amount of material received and the personnel available to handle it.

If you are filing an application for copyright registration in the Copyright Office, you *will not* receive an acknowledgement that your application has been received (the Office receives more than 500,000 applications annually), but you can expect:

- A letter or telephone call from a copyright examiner if further information is needed; and
- A certificate of registration to indicate the work has been registered, or if the application cannot be accepted, a letter explaining why registration has been refused.

You may not receive either of these until 90 days have passed.

If you want to know when the Copyright Office receives your material, you should send it via registered or certified mail and request a return receipt.

NOTICE OF COPYRIGHT

The Copyright Act provides that when a work is *published* under the authority of the copyright owner, a notice of copyright must be placed on all publicly distributed copies and on all publicly distributed phonorecords of sound recordings. This notice is required even on works published outside of the United States.

The use of the copyright notice is the responsibility of the copyright owner; the copyright owner need not request advance permission from, or registration with, the Copyright Office before affixing the copyright notice on copies.

Form of Notice for Visually Perceptible Copies

The notice for visually perceptible copies should contain the following three elements:

- The symbol © (the letter C in a circle), or the word "Copyright," or the abbreviation "Copr."; and
- The year of first publication of the work. In the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient. The year date may be omitted where a pictorial, graphic, or sculptural work, with accompanying textual matter, if any, is reproduced in or on greeting cards, postcards, stationery, jewelry, dolls, toys, or any useful articles; and
- The name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

Example: © 1982 John Doe

The "C in a circle" notice (or other variation of the notice as described above) is required only on "visually perceptible copies." Certain kinds of works, for example, musical, dramatic, and literary works, may be fixed not in "copies" but by means of sound in an audio recording. Since audio recordings such as audio tapes and phonograph disks are "phonorecords" and not "copies," there is no requirement that the phonorecord bear a "C in a circle" notice to protect the underlying musical, dramatic, or literary work that is recorded.

The requirements for the copyright notice for phonorecords containing sound recordings are different; please write for Circular R1, "Copyright Basics," for more information.

The Copyright Office has issued regulations concerning the form and position of the copyright notice in the *Code of Federal Regulations* (37 C.F.R. Part 201); for copies of these regulations, write to the Information Section, LM-401, Copyright Office, Library of Congress, Washington, D.C. 20559, and request Circular R96, Section 201.20.

MANDATORY DEPOSIT FOR WORKS PUBLISHED IN THE UNITED STATES WITH NOTICE OF COPYRIGHT

Although a copyright registration is not required, the Copyright Act establishes a mandatory deposit requirement for works published with notice of copyright in the United States. In general, the owner of copyright, or the owner of the right of first publication in the work, has a legal obligation to deposit in the Copyright Office, within 3 months of publication in the United States, 2 copies (or in the case of sound recordings, 2 phonorecords) for the use of the Library of Congress. Failure to make the deposit can give rise to fines and other penalties, but does not affect copyright protection.

The Copyright Office has issued regulations exempting certain categories of works from the mandatory deposit requirements, and reducing the obligation for certain other categories. For further information about mandatory deposit, please write to the Copyright Office for Circular R7d.



Copyright Office • Library of Congress • Washington, D.C. 20559

July 1985—50,000

☆U.S. GOVERNMENT PRINTING OFFICE: 1985—46-585—20,006

Circular R31

Ideas, Methods, or Systems

WHAT IS NOT PROTECTED BY COPYRIGHT

Ideas, Methods, or Systems are not subject to copyright protection. Copyright protection therefore is not available for: ideas or procedures for doing, making, or building things; scientific or technical methods or discoveries; business operations or procedures; mathematical principles; formulas; algorithms; or any other sort of concept, process, or method of operation.

Section 102 of the copyright law, title 17, United States Code, clearly expresses this principle, "In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work."

Inventions are subject matter for patents, not copyrights. Under certain circumstances it may be possible to secure patent protection for an invention or an inventive design for an article of manufacture. You can obtain general information about the standards and conditions of the patent laws by writing to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

WHAT IS PROTECTED BY COPYRIGHT

Copyright protection extends to a description, explanation, or illustration of an idea or system, assuming that the requirements of the copyright law are met. Copyright in such a case protects the particular literary or pictorial expression chosen by the author. However, it gives the copyright owner no exclusive rights in the idea, method, or system involved.

Suppose, for example, that an author writes a book explaining a new system for food processing. The copyright in the book, which comes into effect at the moment the work is fixed in a tangible form, will prevent others from publishing the text and illustrations describing the author's ideas for machinery, processes, and merchandising methods. However, it will not give the author any rights against others who adopt the ideas for commercial purposes, or who develop or use the machinery, processes, or methods described in the book.

NO COMPARATIVE SEARCHES

The Copyright Office ordinarily does not compare deposit copies or check registration records to determine whether works submitted for registration are similar to any material for which a registration of a copyright claim has already been made. The records of the Copyright Office may contain any number of registrations for works describing or illustrating the same idea.

Copyright Office • Library of Congress • Washington, D.C. 20559

September 1984—80,000

☆U.S. GOVERNMENT PRINTING OFFICE: 1984—421-279—10,010

Circular R34

Copyright Protection Not Available For Names, Titles, or Short Phrases

SHORT EXPRESSIONS NOT PROTECTED BY COPYRIGHT

Names, titles, and short phrases or expressions are not subject to copyright protection. Even if a name, title, or short phrase is novel, distinctive, or lends itself to a play on words, it cannot be protected by copyright. The Copyright Office cannot register claims to exclusive rights in brief combinations of words, such as:

- Names of products or services;
- Names of businesses, organizations, or groups (including the name of a group of performers);
- Names or pseudonyms of individuals (including a pen name or stage name);
- Titles of works;
- Catchwords, catch phrases, mottoes, slogans, or short advertising expressions;
- Mere listings of ingredients, as in a recipe or formula; however, when a recipe or formula is accompanied by substantial literary expression in the form of explanation or directions, or when there is a compilation of recipes, there may be a basis for copyright protection.

SUBJECT MATTER OF COPYRIGHT

Copyright protection under the copyright law (title 17 of the United States Code, section 102) extends only to "original works of authorship." The statute states clearly that ideas and concepts cannot be protected by copyright. To be protected by copyright, a work must contain at least a certain minimum amount of authorship in the form of original literary, musical, or graphic expression. Names, titles, and other short phrases do not meet these requirements.

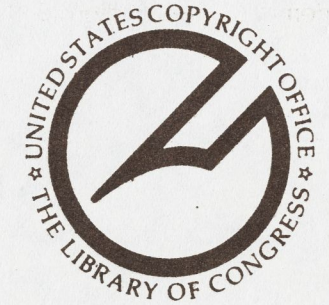
COPYRIGHT OFFICE RECORDS: WHY TITLES ARE LISTED

The titles of registered works are filed alphabetically and appear in that order in the indexes and catalogs of the Copyright Office.

However, the presence of a title in the Copyright Office registration records does not mean that the title itself is copyrighted or subject to copyright protection. In many cases, our records show the same or closely similar titles for entirely different works.

PROTECTION UNDER TRADEMARK OR UNFAIR COMPETITION LAWS

Some brand names, trade names, slogans, and phrases may be entitled to protection under the general rules of law relating to unfair competition, or to registration under the provisions of the trademark laws. The Copyright Office has no jurisdiction in these matters. Questions about the trademark laws should be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.



Copyright Office • Library of Congress • Washington, D.C. 20559

October 1984—150,000

☆U.S. Government Printing Office: 1984—461-585/10,020

Circular R96

Section 201.20

§201.20, 37 C.F.R.

Methods of Affixation and Positions of the Copyright Notice on Various Types of Works*

Final Regulation. Part 201 of 37 C.F.R. Chapter II is amended by adding a new §201.20 to read as follows:

§201.20 Methods of affixation and positions of the copyright notice on various types of works.

(a) GENERAL.

(1) This section specifies examples of methods of affixation and positions of the copyright notice on various types of works that will satisfy the notice requirement of section 401(c) of title 17 of the United States Code, as amended by Pub. L. 94-553. A notice considered "acceptable" under this regulation shall be considered to satisfy the requirement of that section that it be "affixed to the copies in such manner and location as to give reasonable notice of the claim of copyright." As provided by that section, the examples specified in this regulation shall not be considered exhaustive of methods of affixation and positions giving reasonable notice of the claim of copyright.

(2) The provisions of this section are applicable to copies publicly distributed on or after December 1, 1981. This section does not establish any rules concerning the form of the notice or the legal sufficiency of particular notices, except with respect to methods of affixation and positions of notice. The adequacy or legal sufficiency of a copyright notice is determined by the law in effect at the time of first publication of the work.

(b) DEFINITIONS.

For the purposes of this section:

(1) The terms "audiovisual works," "collective works," "copies," "device," "fixed," "machine," "motion picture," "pictorial, graphic, and sculptural works," and their variant forms, have the meanings given to them in section 101 of title 17.

(2) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94-553.

(3) In the case of a work consisting preponderantly of leaves on which the work is printed or otherwise reproduced on both sides, a "page" is one side of a leaf; where the preponderance of the leaves are printed on one side only, the terms "page" and "leaf" mean the same.

(4) A work is published in "book form" if the copies embodying it consist of multiple leaves bound, fastened, or assembled in a predetermined order, as, for example, a volume, booklet, pamphlet, or multipage folder. For the purpose of this section, a work need not consist of textual matter in order to be considered published in "book form."

(5) A "title page" is a page, or two consecutive pages facing each other, appearing at or near the front of the copies of a work published in book form, on which the complete title of the work is prominently stated and on which the names of the author or authors, the name of the publisher, the place of publication, or some combination of them, are given.

(6) The meaning of the terms "front," "back," "first," "last," and "following," when used in connection with works published in book form, will vary in relation to the physical form of the copies, depending upon the particular language in which the work is written.

(7) In the case of a work published in book form with a hard or soft cover, the "front page" and "back page" of the copies are the outsides of the front and back covers; where there is no cover, the "front page," and "back page" are the pages visible at the front and back of the copies before they are opened.

(8) A "masthead" is a body of information appearing in approximately the same location in most issues of a newspaper, magazine, journal, review, or other periodical or serial, typically containing the title of the periodical or serial, information about the staff, periodicity of issues, operation, and subscription and editorial policies, of the publication.

(9) A "single-leaf work" is a work published in copies consisting of a single leaf, including copies on which the work is printed or otherwise reproduced on either one side or on both sides of the leaf, and also folders which, without cutting or tearing the copies, can be opened out to form a single leaf. For the purpose of this section, a work need not consist of textual matter in order to be considered a "single-leaf work."

*This final regulation with supplementary information was published in the FEDERAL REGISTER (46 Fed. Reg. 58307) on December 1, 1981. The notice of proposed rulemaking was published in the FEDERAL REGISTER on December 23, 1977. Codified in 37 C.F.R. §201.20 (1982). This regulation was originally published by the Copyright Office as Announcement ML-268.

(c) MANNER OF AFFIXATION AND POSITION GENERALLY.

(1) In all cases dealt with in this section, the acceptability of a notice depends upon its being permanently legible to an ordinary user of the work under normal conditions of use, and affixed to the copies in such manner and position that, when affixed, it is not concealed from view upon reasonable examination.

(2) Where, in a particular case, a notice does not appear in one of the precise locations prescribed in this section but a person looking in one of those locations would be reasonably certain to find a notice in another somewhat different location, that notice will be acceptable under this section.

(d) WORKS PUBLISHED IN BOOK FORM.

In the case of works published in book form, a notice reproduced on the copies in any of the following positions is acceptable:

(1) The title page, if any;

(2) The page immediately following the title page, if any;

(3) Either side of the front cover, if any; or, if there is no front cover, either side of the front leaf of the copies;

(4) Either side of the back cover, if any; or, if there is no back cover, either side of the back leaf of the copies;

(5) The first page of the main body of the work;

(6) The last page of the main body of the work;

(7) Any page between the front page and the first page of the main body of the work, if: (i) There are no more than ten pages between the front page and the first page of the main body of the work; and (ii) the notice is reproduced prominently and is set apart from other matter on the page where it appears;

(8) Any page between the last page of the main body of the work and back page, if: (i) There are no more than ten pages between the last page of the main body of the work and the back page; and (ii) the notice is reproduced prominently and is set apart from the other matter on the page where it appears.

(9) In the case of a work published as an issue of a periodical or serial, in addition to any of the locations listed in paragraphs (d)(1) through (8) of this section, a notice is acceptable if it is located: (i) As a part of, or adjacent to, the masthead; (ii) on the page containing the masthead if the notice is reproduced prominently and is set apart from the other matter appearing on the page; or (iii) adjacent to a prominent heading, appearing at or near the front of the issue, containing the title of the periodical or serial and any combination of the volume and issue number and date of the issue.

(10) In the case of a musical work, in addition to any of the locations listed in paragraphs (d)(1) through (9) of this section, a notice is acceptable if it is located on the first page of music.

(e) SINGLE-LEAF WORKS.

In the case of single-leaf works, a notice reproduced on the copies anywhere on the front or back of the leaf is acceptable.

(f) CONTRIBUTIONS TO COLLECTIVE WORKS.

For a separate contribution to a collective work to be considered to "bear its own notice of copyright," as provided by 17 U.S.C. 404, a notice reproduced on the copies in any of the following positions is acceptable:

(1) Where the separate contribution is reproduced on a single page, a notice is acceptable if it appears: (i) Under the title of the contribution on that page; (ii) adjacent to the contribution; or (iii) on the same page if, through format, wording, or both, the application of the notice to the particular contribution is made clear;

(2) Where the separate contribution is reproduced on more than one page of the collective work, a notice is acceptable if it appears: (i) Under a title appearing at or near the beginning of the contribution; (ii) on the first page of the main body of the contribution; (iii) immediately following the end of the contribution; or (iv) on any of the pages where the contribution appears, if: (A) The contribution is reproduced on no more than twenty pages of the collective work; (B) the notice is reproduced prominently and is set apart from other matter on the page where it appears; and (C) through format, wording, or both, the application of the notice to the particular contribution is made clear;

(3) Where the separate contribution is a musical work, in addition to any of the locations listed in paragraphs (f)(1) and (2) of this section, a notice is acceptable if it is located on the first page of music of the contribution;

(4) As an alternative to placing the notice on one of the pages where a separate contribution itself appears, the contribution is considered to "bear its own notice" if the no-

tice appears clearly in juxtaposition with a separate listing of the contribution by title, or if the contribution is untitled, by a description reasonably identifying the contribution: (i) On the page bearing the copyright notice for the collective work as a whole, if any; or (ii) in a clearly identified and readily-accessible table of contents or listing of acknowledgements appearing near the front or back of the collective work as a whole.

(g) WORKS REPRODUCED IN MACHINE-READABLE COPIES.

For works reproduced in machine-readable copies (such as magnetic tapes or disks, punched cards, or the like, from which the work cannot ordinarily be visually perceived except with the aid of a machine or device,[1] each of the following constitute examples of acceptable methods of affixation and position of notice:

(1) A notice embodied in the copies in machine-readable form in such a manner that on visually perceptible printouts it appears either with or near the title, or at the end of the work;

(2) A notice that is displayed at the user's terminal at sign on;

(3) A notice that is continuously on terminal display; or

(4) A legible notice reproduced durably, so as to withstand normal use, on a gummed or other label securely affixed to the copies or to a box, reel, cartridge, cassette, or other container used as a permanent receptacle for the copies.

(h) MOTION PICTURES AND OTHER AUDIOVISUAL WORKS.

(1) The following constitute examples of acceptable methods of affixation and positions of the copyright notice on motion pictures and other audiovisual works: A notice that is embodied in the copies by a photomechanical or electronic process, in such a position that it ordinarily would appear whenever the work is performed in its entirety, and that is located: (i) With or near the title; (ii) with the cast, credits, and similar information; (iii) at or immediately following the beginning of the work; or (iv) at or immediately preceding the end of the work.

(2) In the case of an untitled motion picture or other audiovisual work whose duration is sixty seconds or less, in addition to any of the locations listed in paragraph (h)(1) of this section, a notice that is embodied in the copies by a photomechanical or electronic process, in such a position that it ordinarily would appear to the projectionist or broadcaster when preparing the work for performance, is acceptable if it is located on the leader of the film or tape immediately preceding the beginning of the work.

(3) In the case of a motion picture or other audiovisual work that is distributed to the public for private use, the notice may be affixed, in addition to the locations specified in paragraph (h)(1) of this section, on the housing or container, if it is a permanent receptacle for the work.

(i) PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS.

The following constitute examples of acceptable methods of affixation and positions of the copyright notice on various forms of pictorial, graphic, and sculptural works:

(1) Where a work is reproduced in two-dimensional copies, a notice affixed directly or by means of a label cemented, sewn, or otherwise attached durably, so as to withstand normal use, of the front or back of the copies, or to any backing, mounting, matting, framing, or other material to which the copies are durably attached, so as to withstand normal use, or in which they are permanently housed, is acceptable.

(2) Where a work is reproduced in three-dimensional copies, a notice affixed directly or by means of a label cemented, sewn, or otherwise attached durably, so as to withstand normal use, to any visible portion of the work, or to any base, mounting, framing, or other material on which the copies are durably attached, so as to withstand normal use, or in which they are permanently housed, is acceptable.

(3) Where, because of the size or physical characteristics of the material in which the work is reproduced in copies, it is impossible or extremely impracticable to affix a notice to the copies directly or by means of a durable label, a notice is acceptable if it appears on a tag that is of durable material, so as to withstand normal use, and that is attached to the copy with sufficient durability that it will remain with the copy while it is passing through its normal

[1]Works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films, and works published in any variety of microform) and works published in visually perceptible form but used in connection with optical scanning devices, are not within this category.

channels of commerce.

(4) Where a work is reproduced in copies consisting of sheet-like or strip material bearing multiple or continuous reproductions of the work, the notice may be applied: (i) To the reproduction itself; (ii) to the margin, selvage, or reverse side of the material at frequent and regular intervals; or (iii) if the material contains neither a selvage nor a reverse side, to tags or labels, attached to the copies and to any spools, reels, or containers housing them in such a way that a notice is visible while the copies are passing through their normal channels of commerce.

(5) If the work is permanently housed in a container, such as a game or puzzle box, a notice reproduced on the permanent container is acceptable.

(17 U.S.C. 401, 702)

[46 FR 58312, Dec. 1, 1981]



Copyright Office • Library of Congress • Washington, D.C. 20559

February 1985—100,000

☆ U.S. GOVERNMENT PRINTING OFFICE 1985—461-585/10,055

UNITED STATES COPYRIGHT OFFICE • THE LIBRARY OF CONGRESS •

ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559

NOTICE OF NEW PROCEDURE

RETENTION OF FEES FOR ADDITIONAL CERTIFICATES OF REGISTRATION WHEN THE SERVICE CANNOT BE PROVIDED

The following excerpt is taken from Volume 51, Number 3 of the Federal Register for Monday, January 6, 1986 (pp. 462)

LIBRARY OF CONGRESS

Copyright Office

Retention of Fees for Additional Certificates of Registration When the Service Cannot Be Provided

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of new procedure.

SUMMARY: This notice sets forth a change in the Copyright Office procedure for handling fees received in conjunction with certain requests for additional certificates of registration. The issuance of additional certificates of registration is authorized by 17 U.S.C. 706 upon payment of fees specified by 17 U.S.C. 708. The change in procedure described herein is effective upon publication of this notice.

FOR FURTHER INFORMATION CONTACT: Winston Tabb, Chief, Information and Reference Division, Copyright Office, Washington, DC 20559, Telephone: (202) 287-6800.

SUPPLEMENTARY INFORMATION: Heretofore, the Copyright Office has refunded any fee received in conjunction with the request for [1] additional certificates of registration if the service could not be provided, usually because no such registration exists.

Upon publication of this notice, however, the Copyright Office will retain these fees to cover the administrative costs to the Office of processing the rquest, as authorized by [2] 17 U.S.C. 708(a)(11). Members of the public will continue to receive correspondence from the Copyright Office explaining why the Office cannot provide the requested services. [3]

Dated: December 23, 1985.

Ralph Oman,
Register of Copyrights.
Approved:
Daniel J. Boorstin,
The Librarian of Congress.

[FR Doc. 86-148 Filed 1-3-86; 8:45 am]
BILLING CODE 1401-01-M

[1] Error; line should read: "conjunction with a request for"

[2] Error; line should read: "processing the request, as authorized by"

[3] Error; line should read: "provide the requested service."

ML-343
January 1986-20,000

(4th floor) of the James Madison Memorial Building. Inquiries about documents related to licensing should be addressed to:

Licensing Division, LM-458
Copyright Office
Library of Congress
Washington, D. C. 20557

The Division may be contacted by telephone at (202) 287-8150. For further information about the Licensing Division, write for Circular R75.

Copyright Office • Library of Congress • Washington, D.C. 20559

January 1985–20,000

☆ U.S. GOVERNMENT PRINTING OFFICE: 1985–461–585/10,044

Circular R6

Obtaining Copies of Copyright Office Records and Deposits



Obtaining Copies of Copyright Office Records and Deposits

GENERAL INFORMATION

Under the provisions of the Copyright Act (title 17 of the United States Code), the Copyright Office maintains records of and indexes to deposits, registrations, and recordations related to copyright registration. This system of records is open to public inspection. In accordance with section 706 of the Copyright Act, copies may be made of any public records or indexes, and, under conditions prescribed by regulation, copies or reproductions may be made of deposited articles retained under the control of the Copyright Office. If the requestor requires certified copies, the Copyright Office will provide them, for an additional fee. The Copyright Office provides various fee services to assist with searches to locate the proper material and with the making of copies. Copies of most public records may be made on coin-operated photocopying machines in the Copyright Office, or the Copyright Office will furnish copies for a fee which varies according to the type of copying requested.

THE CERTIFICATIONS AND DOCUMENTS SECTION

Requests for certified or uncertified copies of Copyright Office records or deposits, other than records of the Licensing Division, should be made to the Certifications and Documents Section, located on the 4th floor of the James Madison Memorial Building, on Independence Avenue between First and Second Streets, S. E. The section is open to the public between the hours of 8:30 to 5:00 daily, and may be contacted by telephone at (202) 287-6787.

The mailing address for requests for copies of records or deposits is:

Certifications and Documents Section, LM-402
Copyright Office
Library of Congress
Washington, D. C. 20559

REQUEST FOR COPIES OF RECORDS

When you write to the Copyright Office for copies of records, your request should:

1. Clearly identify the type of records you wish to obtain (for example, additional certificates of registration, copies of correspondence, copies of deposits).
2. Specify whether you require certified or uncertified copies.
3. Clearly identify the specific records to be copied. Your request should include the following specific information, if possible:
   (1) the type of work involved (for example, novel, lyrics, photograph); and
   (2) the registration number including preceding letter(s) (for example, TX000-000, A000); and
   (3) the year date or approximate year date of registration (for example, 1978); and
   (4) the complete title of the work; and
   (5) the author(s) including any pseudonym by which the author may be known; and
   (6) the claimant(s); and
   (7) if the requested copy is of an assignment, license, contract, or other recorded document, the volume and page number of the recorded document.
4. Comply with any special requirements which are outlined below for obtaining copies of certain types of documents.
5. Include the fee (only if the copy requested is an additional certificate of registration). The Certifications and Documents Section will review requests for other copies and quote fees for each.
6. Include your telephone number and address so that the Copyright Office may contact you.

If the year date of registration and the title of the work are not provided, a search of the Copyright Office records may be required for purposes of verification; there is an hourly fee charged for this service.

For information about doing research in the records of the Copyright Office, write for Circular R22, "How to Investigate the Copyright Status of a Work," or write to:

Reference and Bibliography Section, LM-450
Copyright Office
Library of Congress
Washington, D. C. 20559

KINDS OF DOCUMENTS

What is Certification?

When the Copyright Office certifies a copy of one of its records, it attaches a statement under the seal of the Copyright Office attesting that the document is a true copy of the record in question. Certified copies are frequently requested as evidence of the authenticity of documents when litigation is involved.

Additional Certificates of Registration

Copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. The owner of any of the exclusive rights in an original work of authorship may obtain registration of the copyright claim by sending together in the same package the application, fee, and correct deposit of the work as specified in the copyright law. (Request Circular R1 for information on registration procedures.) After the claim to copyright has been examined and the Copyright Office has determined that the claim should be registered, the Copyright Office will send the owner of the copyright a certificate of registration under the seal of the Copyright Office. If the registration of a work was made before or within 5 years after first publication of the work, the certificate of registration will serve as prima facie evidence of the validity of the copyright and of the facts stated in the certificate.

You may request additional certificates of copyright registration by writing to the Copyright Office. The additional certificate has the same legal or evidentiary effect as the original certificate. It contains the seal and signature of the Register of Copyrights and needs no further certification.

Your request for an additional certificate should include:

1. Title;
2. The registration number;
3. The year date of registration or publication;
4. Any other information needed to identify the registration; and
5. The fee of $4.00, which should accompany the request in the form of a check or money order payable to the Register of Copyrights.

Copies of Certain Other Public Records Other Than Deposits

The Copyright Office will prepare certified or uncertified copies of other public records, except deposits, upon request. It is very important that the records be clearly identified to minimize the time required for searches by the Copyright Office staff; these searches require an additional search fee.

Photocopies of the following records may be obtained: numbered applications, assignments, licenses, affidavits, contracts, or other documents pertaining to a copyright that have been recorded in the Copyright Office. The fee schedule for copies of these records is included at the end of this circular; however, it is preferable to submit your request without payment so that the Copyright Office may quote you a fee.

COPIES OF DEPOSITS

Information Required

The Copyright Office will provide certified or uncertified reproductions of published or unpublished works deposited in connection with a copyright registration and held in its custody **only** when one of the following three conditions has been met:

1. Written authorization is received from the copyright claimant of record or his or her designated agent, or from the owner of any of the exclusive rights in the copyright as long as this ownership can be demonstrated by written documentation of the transfer of ownership.
2. A written request is received from an attorney on behalf of either the plaintiff or defendant in connection with litigation, actual or prospective, involving the copyrighted work. The following information **must** be included in such a request: a) the names of all the parties involved and the nature of the controversy; b) the name of the court in which the actual case is pending, or, in the case of a prospective proceeding, a full statement of the facts of the controversy in which the copyrighted work is involved; and c) satisfactory assurance that the requested reproduction will be used only in connection with the specified litigation.
3. A court order for a reproduction of a deposited article, facsimile, or identifying portion of a work which is the subject of litigation in its jurisdiction. The order must be issued by a court having jurisdiction of a case in which the copy is to be submitted as evidence.

A request for copies of works deposited in connection with a copyright claim should be accompanied by whatever material is necessary to show that one of the three conditions given above have been met. **Do not submit a fee for copies of deposited works unless you are certain of the amount.** The Office will review each request and quote a fee.

If you are ordering a photocopy of a work deposited in connection with a copyright registration and you are **not** the original copyright claimant, you must provide written information about the transfer of any or all of the exclusive rights to you. If the transfer of the copyright is recorded in the Copyright Office, please include, if possible, the assignment volume, page number, and approximate year date. If you cannot supply that information, it will be necessary to conduct a search of the Copyright Office files for that information and a search fee will be required.

Kinds of Copies of Deposited Works

When you order a copy of the work deposited in connection with a copyright claim, the Certifications and Documents Section will supply a reproduction of one of the following depending upon the actual deposit: 1) the original work; or 2) any identifying material submitted in lieu of the original work; or 3) a reproduction of any facsimile which the Copyright Office is required by law to retain when the deposited article has been transferred to the Library of Congress.

Requests for reproduction of deposited works not retained under the control of the Copyright Office will be referred to the Photoduplication Service of the Library of Congress. If the requestor has indicated specifically that a reproduction of a **deposited** article is desired, and the copyright deposit is not available in the collections of the Library of Congress, the Photoduplication Service will notify the requestor before making a copy from any other source. When certification of these reproductions is requested or required, the Photoduplication Service will provide a statement attesting to the fact that the reproduction being provided was made from an article **deposited** for copyright registration and transferred to the control of the Library of Congress.

Copies of Phonorecords Deposited for Copyright Registration

When a request is made for a reproduction of a phonorecord, such as an audiotape or cassette, in which either a sound recording or the underlying musical, dramatic, or literary work is embodied, the Copyright Office will provide proximate reproduction. The Copyright Office reserves the right to substitute a monaural reproduction for a stereo, quadraphonic, or any other type of separation incorporated in the deposited work. Even if the reproduction is of the same type of separation as the original, an exact reproduction cannot be guaranteed; due to the characteristics of available sound reproduction, all frequencies contained in the original phonorecord may not be reproduced.

The Copyright Office will provide the title, the registration number of the phonorecord, and a written statement describing the form and location of any visually perceptible notice of copyright. In response to a specific request, the Copyright Office will provide reproductions of any printed or other visually perceptible material published with the phonorecord.

FEES

1. Additional certificates — $4.00.
2. Certification of records — $4.00 (plus photoduplication fees).
3. Photoduplication fees — $.45 per page; minimum fee per item — $7.00.
   (Photoduplication fees may be subject to change.)
4. Search fees — $10.00 per hour.
   Note: Fees are cumulative. For example: a total of $21.00 would be charged for a copy of a record for which a 1-hour search was required; the search fee would be $10.00, the photoduplication fee $7.00, and the certification fee $4.00, for a total of $21.00.

COPYRIGHT OFFICE RECORDS IN THE LICENSING DIVISION

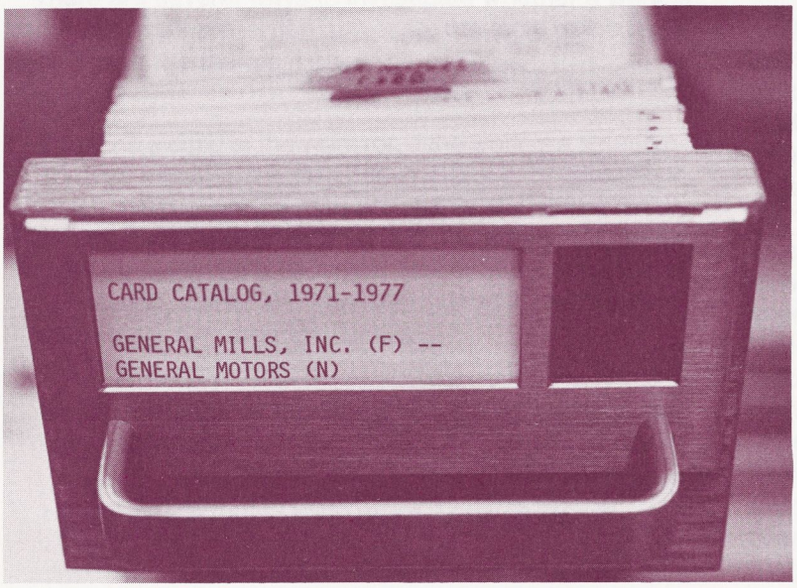
The Licensing Division of the Copyright Office maintains records of transactions related to the compulsory licensing of jukeboxes, the secondary transmission of copyrighted works on cable television systems, the making and distributing of phonorecords, and the use of certain works in connection with noncommercial broadcasting.

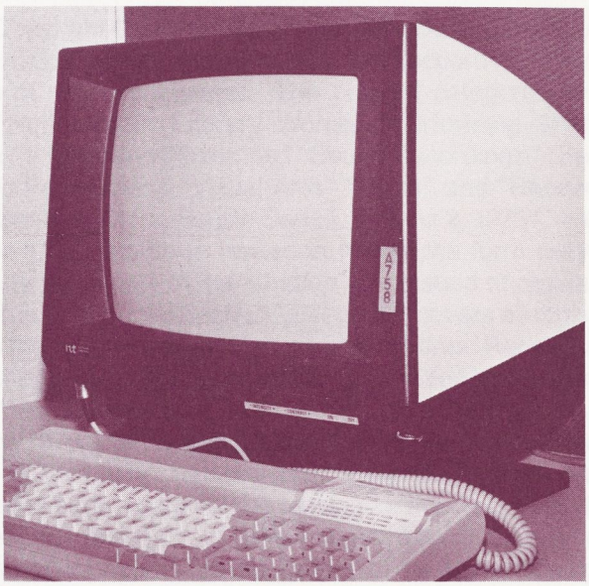
The records of the Licensing Division are open to public inspection and searching during hours of public service, Monday through Friday, in Room LM-458

Circular

R22

How to Investigate the Copyright Status of a Work









How to Investigate the Copyright Status of a Work

IN GENERAL

Methods of Approaching a Copyright Investigation

There are several ways to investigate whether a work is under copyright protection and, if so, the facts of the copyright. These are the main ones:

1. Examine a copy of the work (or, if the work is a sound recording, examine the disk, tape cartridge, or cassette in which the recorded sound is fixed, or the album cover, sleeve, or container in which the recording is sold) for such elements as a copyright notice, place and date of publication, author and publisher (for additional information, see p. 6, "Copyright Notice");

2. Make a search of the Copyright Office catalogs and other records; or

3. Have the Copyright Office make a search for you.

A Few Words of Caution About Copyright Investigations

Copyright investigations often involve more than one of these methods. Even if you follow all three approaches, the results may not be completely conclusive. Moreover, as explained in this circular, the changes brought about under the Copyright Act of 1976 must be considered when investigating the copyright status of a work.

This circular offers some practical guidance on what to look for if you are making a copyright investigation. It is important to realize, however, that this circular contains only general information, and that there are a number of exceptions to the principles outlined here. In many cases it is important to consult a copyright attorney before reaching any conclusions regarding the copyright status of a work.

HOW TO GO ABOUT SEARCHING COPYRIGHT OFFICE CATALOGS AND RECORDS

Catalog of Copyright Entries

The Copyright Office publishes the *Catalog of Copyright Entries (CCE),* which is divided into parts according to the classes of works registered. The present categories include: "Nondramatic Literary Works," "Performing Arts," "Motion Pictures and Filmstrips," "Sound Recordings," "Serials and Periodicals," "Visual Arts," "Maps," and "Renewals." Effective with the Fourth Series, Volume 2, 1979 Catalogs, the CCE has been issued in microfiche form **only;** previously, each part of the *Catalog* was issued at regular intervals in book form. Each CCE segment covers all registrations made during a particular period of time. Renewals made for any class during a particular period can be found in Part 8, "Renewals."

Before 1978, the catalog parts reflected the classes that existed at that time. Renewals for a particular class are found in the back section of the catalog for the class of work renewed (for example, renewal registrations for music made in 1976 appear in the last section of the music catalog for 1976).

A number of libraries throughout the United States maintain copies of the *Catalog,* and this may provide a good starting point if you wish to make a search yourself. There are some cases, however, in which a search of the *Catalog* alone will not be sufficient to provide the needed information. For example:

- Since the *Catalog* does not include entries for assignments or other recorded documents, it cannot be used for searches involving the ownership of rights.
- There is usually a time lag of a year or more before the part of the *Catalog* covering a particular registration is published.
- The *Catalog* entry contains the essential facts concerning a registration, but it is not a verbatim transcript of the registration record.

Individual Searches of Copyright Records

The Copyright Office is located in the Library of Congress James Madison Memorial Building, 101 Independence Ave., S.E., Washington, D.C.

Most records of the Copyright Office are open to public inspection and searching from 8:30 a.m. to 5 p.m. Monday through Friday (except legal holidays). The various records freely available to the public include an extensive card catalog, an automated catalog containing records from 1978 forward, record books, and microfilm records of assignments and related documents. Other records, including correspondence files and deposit copies, are not open to the public for searching. However, they may be inspected upon request and payment of a $10-per hour search fee.

If you wish to do your own searching in the Copyright Office files open to the public, you will be given assistance in locating the records you need and in learning searching procedures. If the Copyright Office staff actually makes the search for you, a search fee must be charged.

SEARCHING BY THE COPYRIGHT OFFICE

In General

Upon request, the Copyright Office staff will search its records at the statutory rate of $10 for each hour or fraction of an hour consumed. Based on the information you furnish, we will provide an estimate of the total search fee. If you decide to have the Office staff conduct the search, you should send the estimated amount with your request. The Office will then proceed with the search and send you a typewritten report or, if you prefer, an oral report by telephone. If you request an oral report, please provide a telephone number where you can be reached during normal business hours (8:30-5:00).

Search reports can be certified on request, for an extra fee of $4. Certified searches are most frequently requested to meet the evidentiary requirements of litigation.

Your request, and any other correspondence, should be addressed to:

Reference and Bibliography Section, LM-451
Copyright Office
Library of Congress
Washington, D.C. 20559
(202) 287-6850

What the Fee Does Not Cover

Note that the search fee does *not* include the cost of additional certificates, photocopies of deposits, or copies of other office records. For information concerning these services, request Circular 6 from the Copyright Office.

Information Needed

The more detailed information you can furnish with your request, the less time-consuming and expensive the search will be. Please provide as much of the following information as possible:

- The title of the work, with any possible variants;
- The names of the authors, including possible pseudonyms;
- The name of the probable copyright owner, which may be the publisher or producer;
- The approximate year when the work was published or registered;
- The type of work involved (book, play, musical composition, sound recording, photograph, etc.);
- For a work originally published as a part of a periodical or collection, the title of that publication and any other information, such as the volume or issue number, to help identify it;
- Motion pictures are often based on other works such as books or serialized contributions to periodicals or other composite works. If you desire a search for an underlying work or for music from a motion picture, you must specifically request such a search. You must also identify the underlying works and music and furnish the specific titles, authors, and approximate dates of these works; and
- The registration number of any other copyright data.

Searches Involving Assignments and Other Documents Affecting Copyright Ownership

The Copyright Office staff will also, for the standard hourly search fee, search its indexes covering the records of assignments and other recorded documents concerning ownership of copyrights. The reports of searches in these cases will state the facts shown in the Office's indexes of the recorded documents, but will offer no interpretation of the content of the documents or their legal effect.

NOTE: Unless your request specifies otherwise, Copyright Office searches include records pertaining to registrations, renewals, assignments and other recorded documents concerning copyright ownership. If you want the office to search any other special records such as notices of use, or if you want to exclude specific records from your search, please make this clear in your request.

LIMITATIONS ON SEARCHES

In determining whether or not to have a search made, you should keep the following points in mind:

No Special Lists

The Copyright Office does not maintain any listings of works by subject, or any lists of works that are in the public domain.

Contributions

Individual works, such as stories, poems, articles, or musical compositions that were published as contributions to a copyrighted periodical or collection, are usually not listed separately by title in our records.

No Comparisons

The Copyright Office does not search or compare copies of works to determine questions of possible infringement or to determine how much two or more versions of a work have in common.

Titles and Names Not Copyrightable

Copyright does not protect names and titles, and our records list many different works identified by the same or similar titles. Some brand names, trade names, slogans, and phrases may be entitled to protection under the general rules of law relating to unfair competition, or to registration under the provisions of the trademark laws. Questions about the trademark laws should be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Possible protection of names and titles under common law principles of unfair competition is a question of state law.

No Legal Advice

The Copyright Office cannot express any opinion as to the legal significance or effect of the facts included in a search report.

SOME WORDS OF CAUTION

Searches Not Always Conclusive

Searches of the Copyright Office catalogs and records are useful in helping to determine the copyright status of a work, but they cannot be regarded as conclusive in all cases. The complete absence of any information about a work in the office records does not mean that the work is unprotected. The following are examples of cases in which information about a particular work may be incomplete or lacking entirely in the Copyright Office:

- Before 1978, unpublished works were entitled to protection at common law without the need of registration.
- Works published with notice prior to 1978 may be registered at **any** time within the first 28-year term; to obtain renewal protection, however, the claimant must register and renew such work by the end of the 28th year.
- For works that came under copyright protection after 1978, registration may be made at any time during the term of protection; it is not generally required as a condition of copyright protection (there are, however, certain definite advantages to registration; please call or write for Circular 1, "Copyright Basics").
- Since searches are ordinarily limited to registrations that have already been cataloged, a search report may not cover recent registrations for which catalog records are not yet available.
- The information in the search request may not have been complete or specific enough to identify the work.
- The work may have been registered under a different title or as part of a larger work.

Protection in Foreign Countries

Even if you conclude that a work is in the public domain in the United States, this does not necessarily mean that you are free to use it in other countries. Every nation has its own

laws governing the length and scope of copyright protection, and these are applicable to uses of the work within that nation's borders. Thus, the expiration or loss of copyright protection in the United States may still leave the work fully protected against unauthorized use in other countries.

OTHER CIRCULARS

For further information, request Circulars 15, "Renewal of Copyright," 15a, "Duration of Copyright," 15t, "Extension of Copyright Terms," and 6, "Obtaining Copies of Copyright Office Records and Deposits," from:

Publications Section, LM-455
Copyright Office
Library of Congress
Washington, D.C. 20559
OR

You may call 202-287-9100 at any time, day or night, to leave a request for forms or circulars as a recorded message on the Forms HOTLINE. Requests made on the HOTLINE number are filled and mailed promptly.

IMPACT OF COPYRIGHT ACT ON COPYRIGHT INVESTIGATIONS

On October 19, 1976, the President signed into law a complete revision of the copyright law of the United States (Title 17 of the United States Code). Most provisions of the new copyright statute came into force on **January 1, 1978,** superseding the previous copyright act of 1909, and made significant changes in the copyright law. If you need more information about the provisions of the 1976 Act, or if you want a copy of the revised statute, write or call the Copyright Office and request Circular 92.

For copyright investigations, the following are some of the main points to consider about the impact of the Copyright Act of 1976:

A Changed System of Copyright Formalities

Some of the most sweeping changes under the 1976 Act involve copyright formalities; that is, the procedural requirements for securing and maintaining full copyright protection. The old system of formalities involved copyright notice, deposit and registration, recordation of transfers and licenses of copyright ownership, and United States manufacture, among other things. In general, while retaining formalities the present law reduces the chances of mistakes, softens the consequences of errors and omissions, and allows for the correction of errors.

Automatic Copyright

Under the present copyright law, copyright exists in original works of authorship created and fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly, or indirectly with the aid of a machine or device. In other words, copyright is an incident of creative authorship not dependent on statutory formalities. Thus, registration with the Copyright Office generally is not required, but there are certain advantages that arise from a timely registration. For further information on the advantages of registration, write or call the Copyright Office and request Circular 1, "Copyright Basics."

Copyright Notice

Both the 1909 and 1976 copyright acts require a notice of copyright on published works. For most works, a copyright notice consists of the symbol ©, the word "Copyright," or the abbreviation "Copr.," together with the name of the owner of copyright and the year of first publication; for example: "© Marion Crane 1987" or "Copyright 1987 by Milton Arbogast." For sound recordings published on or after February 15, 1972, a copyright notice might read "℗ 1987 XYZ Records, Inc." (See page 8 for more about sound recordings.) The present law prescribes that all visually perceptible published copies of a work, or published phonorecords of a sound recording, shall bear a proper copyright notice. This requirement applies equally whether the work is published in the United States or elsewhere by authority of the copyright owner. Compliance with the statutory notice requirements is the responsibility of the copyright owner. Unauthorized publication without the copyright notice, or with a defective notice, does not affect the validity of the copyright in the work. Advance permission from, or registration with, the Copyright Office is not required before placing a copyright notice on copies of a work, or on phonorecords of a sound recording. Moreover, for works first published on or after January 1, 1978, omission of the required notice, or

use of a defective notice, does not result in forfeiture or outright loss of copyright protection. Certain omissions of, or defects in the notice of copyright, however, may lead to loss of copyright protection if certain steps are not taken to correct or cure the omissions or defects. The Copyright Office has issued a final regulation (37 CFR 201.20) which suggests various acceptable positions for the notice of copyright. For further information, write to the Copyright Office and request Circular 3.

Works Already in the Public Domain

The 1976 Act does not restore protection to works that fell into the public domain before January 1, 1978. If copyright in a particular work has been lost, the work is permanently in the public domain in this country, and the 1976 Act will not revive protection. Under the copyright law in effect prior to January 1, 1978, copyright could be lost in several situations: the most common were publication without the required copyright notice, expiration of the first 28-year copyright term without renewal, or final expiration of the second copyright term.

Scope of Exclusive Rights Under Copyright

The present law has changed and enlarged in some cases, the scope of the copyright owner's rights as against users of a work. The new rights apply to all uses of a work subject to protection by copyright after January 1, 1978, regardless of when the work was created.

DURATION OF COPYRIGHT PROTECTION

Works Originally Copyrighted On or After January 1, 1978

A work that is created and fixed in tangible form for the first time on or after January 1, 1978, is automatically protected from the moment of its creation, and is ordinarily given a term enduring for the author's life, plus an additional 50 years after the author's death. In the case of "a joint work prepared by two or more authors who did not work for hire," the term lasts for 50 years after the last surviving author's death. For works made for hire, and for anonymous and pseudonymous works (unless the author's identity is revealed in Copyright Office records), the duration of copyright will be 75 years from publication or 100 years from creation, whichever is less.

Works created before the 1976 law came into effect, but neither published nor registered for copyright before January 1, 1978, have been automatically brought under the statute and are now given Federal copyright protection. The duration of copyright in these works will generally be computed in the same way as for new works: the life-plus-50 or 75/100-year terms will apply. However, all works in this category are guaranteed at least 25 years of statutory protection.

Works Copyrighted Before January 1, 1978

Under the law in effect before 1978, copyright was secured either on the date a work was published with notice of copyright, or on the date of registration if the work was registered in unpublished form. In either case, copyright endured for a first term of 28 years from the date on which it was secured. During the last (28th) year of the first term, the copyright was eligible for renewal. The new copyright law has extended the renewal term from 28 to 47 years for copyrights in existence on January 1, 1978. However, the copyright still must be renewed in the 28th calendar year to receive the 47-year period of added protection. For more detailed information on the copyright term, write or call the Copyright Office and request Circulars 15a and 15t.

WORKS FIRST PUBLISHED BEFORE 1978: THE COPYRIGHT NOTICE

General Information About the Copyright Notice

In investigating the copyright status of works first published before January 1, 1978, the most important thing to look for is the notice of copyright. As a general rule under the previous law, copyright protection was lost permanently if the notice was omitted from the first authorized published edition of a work, or if it appeared in the wrong form or position. The form and position of the copyright notice for various types of works were specified in the copyright statute. Some courts were liberal in overlooking relatively minor departures from the statutory requirements, but a basic failure to comply with the notice provisions forfeited copyright protection and put the work into the public domain in this country.

Absence of Copyright Notice

For works first published before 1978, the complete absence of a copyright notice from a published copy generally indicates that the work is not protected by copyright. However, there are a number of exceptions and qualifications to this general rule. The following are some of them:

Unpublished Works. No notice of copyright was required on the copies of any unpublished work. The concept of "publication" is very technical, and it was possible for a number of copies lacking a copyright notice to be reproduced and distributed without affecting copyright protection.

Foreign Editions. Under certain circumstances, the law exempted copies of a copyrighted work from the notice requirements if they were first published outside the United States. Some copies of these foreign editions could find their way into the United States without impairing the copyright.

Accidental Omission. The 1909 statute preserved copyright protection if the notice was omitted by accident or mistake from a "particular copy or copies."

Unauthorized Publication. A valid copyright was not secured if someone deleted the notice and/or published the work without authorization from the copyright owner.

Sound Recordings. Reproductions of sound recordings usually contain two different types of creative works: the underlying musical, dramatic, or literary work that is being performed or read, and the fixation of the actual sounds embodying the performance or reading. For protection of the underlying musical or literary work embodied in a recording, it is not necessary that a copyright notice covering this material appear on the phonograph records or tapes in which the recording is reproduced. As noted above, a special notice is required for protection of the recording of a series of musical, spoken, or other sounds which were fixed on or after February 15, 1972. Sound recordings fixed before February 15, 1972, are not eligible for Federal copyright protection. Neither the Sound Recording Act of 1971 nor the present copyright law can be applied or be construed to provide any retroactive protection for sound recordings fixed before that date. Such works, however, may be protected by various state laws or doctrines of common law.

The Date in the Copyright Notice

If you find a copyright notice, the date it contains may be important in determining the copyright status of the work. In general, the notice on works published before 1978 must include the year in which copyright was secured by publication (or, if the work was first registered for copyright in unpublished form, the year in which registration was made). There are two main exceptions to this rule.

- For pictorial, graphic, or sculptural works (Classes F through K under the 1909 law) the law permitted omission of the year date in the notice.
- For "new versions" of previously published or copyrighted works, the notice was not usually required to include more than the year of first publication of the new version itself. This is explained further under "Derivative Works" below.

The year in the notice usually (though not always) indicated when the copyright began. It is therefore significant in determining whether a copyright is still in effect; or, if the copyright has not yet run its course, the year date will help in deciding when the copyright is scheduled to expire. For further information about the duration of copyright, request Circular 15a.

In evaluating the meaning of the date in a notice, you should keep the following points in mind:

WORKS PUBLISHED AND COPYRIGHTED BEFORE JANUARY 1, 1978: A work published before January 1, 1978, and copyrighted within the past 75 years may still be protected by copyright in the United States if a valid renewal registration was made during the 28th year of the first term of the copyright. If renewed, and if still valid under the other provisions of the law, the copyright will expire 75 years from the end of the year in which it was first secured.

Therefore, with one exception, the United States copyright in any work published or copyrighted more than 75 years ago (75 years from January 1st in the present year) has expired by operation of law, and the work has permanently fallen into the public domain in the United States. For example, on January 1, 1986, copyright in works first published or copyrighted before January 1, 1911, will have expired; on January 1, 1987, copyright in works first published or copyrighted before January 1, 1912, will have expired.

WORKS FIRST PUBLISHED OR COPYRIGHTED BETWEEN JANUARY 1, 1910, AND DECEMBER 31, 1949,

BUT NOT RENEWED: If a work was first published or copyrighted between January 1, 1910, and December 31, 1949, it is important to determine whether the copyright was renewed during the last (28th) year of the first term of the copyright. This can be done by searching the Copyright Office records or catalogs, as explained above. If no renewal registration was made, copyright protection expired permanently on the 28th anniversary of the date it was first secured.

WORKS FIRST PUBLISHED OR COPYRIGHTED BETWEEN JANUARY 1, 1910 AND DECEMBER 31, 1949, AND REGISTERED FOR RENEWAL: When a valid renewal registration was made and copyright in the work was in its second term on December 31, 1977, the renewal copyright term was extended under the present act to 47 years. In these cases, copyright will last for a total of 75 years from the end of the year in which copyright was originally secured. Example: Copyright in a work first published in 1917, and renewed in 1945, will expire on December 31, 1992.

WORKS FIRST PUBLISHED OR COPYRIGHTED BETWEEN JANUARY 1, 1950, AND DECEMBER 31, 1977: If a work was in its first 28-year term of copyright protection on January 1, 1978; it must be renewed in a timely fashion to secure the maximum term of copyright protection provided by the present copyright law. If renewal registration is made during the 28th calendar year of its first term, copyright will endure for 75 years from the end of the year copyright was originally secured. If not renewed, the copyright expires at the end of its 28th calendar year.

UNPUBLISHED, UNREGISTERED WORKS: Before 1978, if a work had neither been "published" in the legal sense nor registered in the Copyright Office, it was subject to perpetual protection under the common law. On January 1, 1978, all works of this kind, subject to protection by copyright, were automatically brought under the new Federal copyright statute. The duration of these new Federal copyrights will vary, but none of them will expire before December 31, 2002.

Derivative Works

In examining a copy (or a record or tape) for copyright information, it is important to determine whether that particular version of the work is an original edition of the work or a "new version." New versions include musical arrangements, adaptations, revised or newly edited editions, translations, dramatizations, abridgments, compilations, and works republished with new matter added. The law provides that derivative works are independently copyrightable and that the copyright in such a work does not affect or extend the protection, if any, in the underlying work. Under the 1909 law, courts have also held that the notice of copyright on a derivative work ordinarily need not include the dates or other information pertaining to the earlier works incorporated in it. This principle is specifically preserved in the present copyright law.

Thus, if the copy (or the record or tape) constitutes a derivative version of the work, these points should be kept in mind:

- The date in the copyright notice is not necessarily an indication of when copyright in all of the material in the work will expire. Some of the material may already be in the public domain, and some parts of the work may expire sooner than others.
- Even if some of the material in the derivative work is in the public domain and free for use, this does not mean that the "new" material added to it can be used without permission from the owner of copyright in the derivative work. It may be necessary to compare editions to determine what is free to use and what is not.
- Ownership of rights in the material included in a derivative work and in the preexisting work upon which it may be based may differ, and permission obtained from the owners of certain parts of the work may not authorize the use of other parts.

The Name in the Copyright Notice

Under the copyright statute in effect before 1978, the notice was required to include "the name of the copyright proprietor." The present act requires that the notice include "the name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner." The name in the notice (sometimes in combination with other statements on the copy, record, tape, container, or label) often gives persons wishing to use the work the information needed to identify the owner from whom licenses or permission can be sought. In other cases, the name provides a starting point for a search in the Copyright Office records or catalogs, as explained at the beginning in this circular.

In the case of works published before 1978, copyright registration is made in the name of the individual person or the entity identified as the copyright owner in the notice. For works published after 1978, registration is made in the name of the person or entity owning all the rights on the date the registration is made. This may or may not be the name appearing in the notice. In addition to its records of copyright registration, the Copyright Office maintains extensive records of assignments, exclusive licenses, and other documents dealing with copyright ownership.

Ad Interim

Ad interim copyright was a special short-term copyright that applied to certain books and periodicals in the English language, first manufactured and published outside the United States. It was a partial exception to the manufacturing requirements of the previous United States copyright law. Its purpose was to secure temporary United States protection for a work, pending the manufacture of an edition in the United States. The ad interim requirements changed several times over the years, and were subject to a number of exceptions and qualifications.

The manufacturing provisions of the copyright act expired on July 1, 1986, and are no longer a part of the copyright law. The transitional and supplementary provisions of the act provide that for any work in which ad interim copyright was subsisting or capable of being secured on December 31, 1977, copyright protection would be extended for a term compatible with other works in which copyright was subsisting on the effective date of the new act. Consequently, if the work was first published on or after July 1, 1977, and was eligible for ad interim copyright protection, the provisions of the present copyright act will be applicable to the protection of these works. Anyone investigating the copyright status of an English-language book or periodical first published outside the United States before July 1, 1977, should check carefully to determine:

- Whether the manufacturing requirements were applicable to the work; and
- If so, whether the ad interim requirements were met.

search request form

Copyright Office
Library of Congress
Washington, D.C. 20559

Reference & Bibliography
Section
(202) 287-6850
8:30-5:00 Monday-Friday

Type of work:

☐ Book ☐ Music ☐ Motion Picture ☐ Drama ☐ Sound Recording
☐ Photograph/Artwork ☐ Map ☐ Periodical ☐ Contribution

Search information you require:

☐ Registration ☐ Renewal ☐ Assignment ☐ Address

Specifics of work to be searched:

TITLE: _____

_____

AUTHOR: _____

_____

COPYRIGHT CLAIMANT (if known): _____
(name in © notice)

APPROXIMATE YEAR DATE OF PUBLICATION/CREATION: _____

REGISTRATION NUMBER (if known): _____

OTHER IDENTIFYING INFORMATION: _____

_____

_____

If you need more space please attach additional pages.

Estimates are based on the Copyright Office fee of $10.00 an hour or fraction of an hour consumed. The more information you furnish as a basis for the search the better service we can provide.

Names, titles, and short phrases are not copyrightable.

Please read Circular 22 for more information on copyright searches.

YOUR NAME: _____

ADDRESS: _____

_____

_____

DAYTIME TELEPHONE NO. (_____) _____

Convey results of estimate/search by telephone
☐ yes ☐ no



Copyright Office • Library of Congress • Washington, D.C. 20559

February 1987—30,000

☆U.S. GOVERNMENT PRINTING OFFICE: 1987—181-532/40,016

Copyright

FEES INCREASE

The Copyright Fees and Technical Amendments Act of 1990 (Public Law 101-318) increased fees for Copyright Office services effective January 3, 1991. This act marks the first adjustment of the fee schedule since January 1, 1978. The current fee schedule is printed on the reverse side of this announcement.

Copyright fees are adjusted at 5-year intervals, based on increases or decreases in the Consumer Price Index. The next adjustment is due in 1995. Contact the Copyright Office in January 1995 for the new fee schedule.

All fees should be sent in the form of a check, money order, or bank draft payable to: **Register of Copyrights**.

The Copyright Office cannot assume responsibility for the loss of cash sent in payment of copyright fees. If you are submitting material from outside the United States, please arrange for your fees to be payable in United States dollars. Your fees may be in the form of an International Money Order or a draft on a United States bank. We cannot accept a check drawn on a foreign bank.

If a check received in payment of the registration fee is returned to the Copyright Office as uncollectible, the Copyright Office will cancel the registration and will notify the remitter.

The fee for registration of an original, supplementary, or renewal claim is nonrefundable, whether or not copyright registration is ultimately made.

The Copyright Fees and Technical Amendments Act of 1990 (Public Law 101-318) amends the Copyright Act of 1976 by increasing fees for Copyright Office services, effective January 3, 1991. Citations below are to sections of the Copyright Act of 1976, as amended by Public Law 101-318.

	Fees effective 1/3/91	
REGISTRATION OF COPYRIGHT CLAIMS (Forms TX, VA, PA, SR, CA, SE or GR/CP) Form SE/Group (minimum fee $20) Form MW Form RE	$20.00 $10/issue $20.00 $12.00	For each registration and renewal you will receive a certificate bearing the Copyright Office seal.
RECORDATION OF DOCUMENTS Recordation, under section 205, of a document of six pages or less listing no more than one title. Additional titles: each group of 10 or fewer	$20.00 $10.00	A document which relates to any disposition of a copyright, such as a transfer, will, or license, may be recorded in the Copyright Office. When processing is completed, the submitted document(s) will be returned to you, along with a certificate of recordation for each document.
CERTIFICATIONS Additional certificates: each Any other certification: each	$8.00 $20/hr. or fraction	Certified copy of the record of registration, including certifications of Copyright Office records. NOTE: fees are cumulative; certification fees are in addition to any other applicable fees, i.e., search, photoduplication, etc.
SEARCHES Reports from official records: per hour or fraction. Locating Office records: per hour or fraction	$20.00 $20.00	The Copyright Office will, upon request, estimate the fee required for a search; the fee must be received before the search is undertaken.
FILING OF NOTICE OF INTENTION TO MAKE AND DISTRIBUTE PHONORECORDS	$12.00	For the filing, under section 115(b), of notice of intention to make and distribute phonorecords.
RECEIPT FOR DEPOSITS each receipt	$4.00	For the issuance under section 407, mandatory deposit for the Library of Congress, of a receipt for deposit.
SPECIAL HANDLING FEE Registration (plus registration or renewal fee) (see above) Additional Fee For each claim given special handling if a single deposit copy covers multiple claims and special handling is requested only for one. This charge may be avoided by submitting a separate deposit copy. Recordation of a Document (plus recordation fee)(see above)	$200.00 $50.00 $200.00	Special handling is granted at the discretion of the Register of Copyrights in a limited number of cases as a service to those who have compelling reasons for the expedited service. For further information on special handling, you may call (202) 707-9100 and record your request for ML-319 (registration of claims) or ML-341 (recordation of documents).
FULL-TERM RETENTION OF COPYRIGHT DEPOSITS For the full-term retention of copyright deposits under section 704(e).	$135.00	For information on full-term retention, you may call (202) 707-9100 and record your request for Circular 96, Section 202.23.

Fees remitted to the Copyright Office for registration, including those for supplementary or renewal registrations and for special handling, will not be refunded. Payments made in excess of the statutory fee will be refunded, but refunds of $10 or less will not be refunded unless specifically requested.



Copyright Office • Library of Congress • Washington, D.C. 20559

SL-4 December 1991 — 500,000

☆U.S. GOVERNMENT PRINTING OFFICE: 1991: 312-433/40,029

RENEWAL AMENDED LAW & FEE

On June 26, 1992, President Bush signed Public Law 102-307, which amends the Copyright Law to extend automatically the term of copyrights secured between January 1, 1964 and December 31, 1977 to a further term of 47 years and increases the filing fee from $12.00 to $20.00. This fee increase applies to all renewal applications filed on or after June 29, 1992.

The Copyright Act of 1909 provided for a 28-year term of copyright that could be extended for an additional renewal term provided that a renewal registration was made during the last (28th) year of the original term. Failure to make the timely renewal registration resulted in the loss of copyright protection at the end of the 28th year.

P. L. 102-307 makes renewal registration optional. The term of copyright in works published or copyrighted between January 1, 1964 and December 31, 1977 is 75 years. There is no need to make the renewal filing in order to extend the original 28-year copyright term to the full 75 years.

However, some benefits accrue to making a renewal registration during the 28th year of the original term. The primary benefits are:

1.) The renewal copyright will vest in the name of the renewal claimant on the effective date of the renewal registration.

If a renewal registration is made in the 28th year and the renewal claimant dies following the renewal registration but before the end of the year, the renewal copyright will have been secured on behalf of that renewal claimant and the 47 years of renewal copyright will be a part of that individual's estate. Any assignment or license duly executed by the renewal claimant will remain in effect.

If the renewal registration is not made in the 28th year, the renewal copyright will vest in the party entitled to claim renewal as of December 31 of the 28th year.

2.) The renewal registration will constitute prima facie evidence as to the validity of the facts stated in the renewal certificate and the copyright in the renewed and extended term.

3.) The right to utilize the derivative work in the extended term is affected.

For example, if an author dies before the 28th year of the original term and a statutory renewal claimant registers a renewal within the 28th year, that claimant can terminate an assignment made by the deceased author authorizing the exploitation of a derivative work.

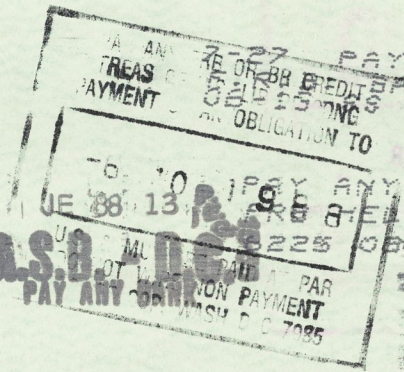
A renewal registration made after the 28th year will not confer the benefits mentioned above but will confer other benefits denied to unregistered works. The courts have discretion to determine the evidentiary weight accorded a certificate of renewal registration when registration is made during the 47-year renewal term.

Renewal registration may be made at anytime during the renewed and extended term, whether or not registration was made for the original term of copyright. Where an application is made for the renewed and extended term and an original registration has not been made, the Register of Copyrights will request information with respect to the existence, ownership or duration of the copyright for the original term. A single $20 fee will be required for the renewal registration and information regarding the original term. The Office will issue regulations for registrations made in these cases, including deposit requirements.

For additional information please call the Renewals Section at (202) 707-8180 or FAX (202) 707-3849.

Copyright Office
Library of Congress
Washington, D. C. 20559

SL-15 —July 1992—1,000



PAY ANY BANK P.E.G. 7-
BALTIMORE MD. 052000278
082 22 0263 302171788

PAY ANY BANK PEG 061588
HELENA 0920-0026-7
8225 08 06-12-88 1361 362592511

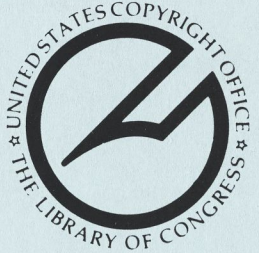
TREAS OF BR CREDIT
PAYMENT OF AN OBLIGATION TO

PAID AT PAR
NON PAYMENT
WASH D C 7085

U.S. MUST BE PAID AT PAR
NON PAYMENT
PAY ANY BANK

JE 88 13 P 9 88

E 2 1 1 3 1 9 8 1



Your communication does not indicate which application form you need.

The available forms are listed in Circular 1 "Copyright Basics". Please resubmit your request with an added statement of the form or forms and the quantity of each you need.

To order application forms, you may call the Forms Hotline, (202) 707-9100, at any time and leave your request as a recorded message; forms will be mailed promptly to you.

copyright OFFICE

WASHINGTON, D.C. 20559

SL 5B Forms Request

November 1989–1,000

Circular 1

Copyright Basics



Copyright Basics

WHAT COPYRIGHT IS

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works of authorship" including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- ***To reproduce*** the copyrighted work in copies or phonorecords;
- To prepare ***derivative works*** based upon the copyrighted work;
- ***To distribute copies or phonorecords*** of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- ***To perform the copyrighted work publicly***, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works; and
- ***To display the copyrighted work publicly,*** in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work.

It is illegal for anyone to violate any of the rights provided by the Act to the owner of copyright. These rights, however, are not unlimited in scope. Sections 107 through 119 of the Copyright Act establish limitations on these rights. In some cases, these limitations are specified exemptions from copyright liability. One major limitation is the doctrine of "fair use," which is given a statutory basis in section 107 of the Act. In other instances, the limitation takes the form of a "compulsory license" under which certain limited uses of copyrighted works are permitted upon payment of specified royalties and compliance with statutory conditions. For further information about the limitations of any of these rights, consult the Copyright Act or write to the Copyright Office.

WHO CAN CLAIM COPYRIGHT

Copyright protection subsists from the time the work is created in fixed form; that is, it is an incident of the process of authorship. The copyright in the work of authorship ***immediately*** becomes the property of the author who created it. Only the author or those deriving their rights through the author can rightfully claim copyright.

In the case of works made for hire, the employer and not the employee is presumptively considered the author. Section 101 of the copyright statute defines a "work made for hire" as:

> (1) a work prepared by an employee within the scope of his or her employment; or
>
> (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire....

The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary.

Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

Two General Principles

- Mere ownership of a book, manuscript, painting, or any other copy or phonorecord does not give the possessor the copyright. The law provides that transfer of ownership of any material object that embodies a protected work does not of itself convey any rights in the copyright.
- Minors may claim copyright, but state laws may regulate the business dealings involving copyrights owned by minors. For information on relevant state laws, consult an attorney.

COPYRIGHT AND NATIONAL ORIGIN OF THE WORK

Copyright protection is available for all unpublished works, regardless of the nationality or domicile of the author.

Published works are eligible for copyright protection in the United States if ***any*** one of the following conditions is met:

- On the date of first publication, one or more of the authors is a national or domiciliary of the United States or is a national, domiciliary, or sovereign authority of a foreign nation that is a party to a copyright treaty to which the United States is also a party, or is a stateless person wherever that person may be domiciled; or
- The work is first published in the United States or in a foreign nation that, on the date of first publication, is a party

to the Universal Copyright Convention; or the work comes within the scope of a Presidential proclamation; or

- The work is first published on or after March 1, 1989, in a foreign nation that on the date of first publication, is a party to the Berne Convention; or, if the work is ***not*** first published in a country party to the Berne Convention, it is published (on or after March 1,1989) within 30 days of first publication in a country that is party to the Berne Convention; or the work, first published on or after March 1, 1989, is a pictorial, graphic, or sculptural work that is incorporated in a permanent structure located in the United States; or, if the work, first published on or after March 1, 1989, is a published audiovisual work, all the authors are legal entities with headquarters in the United States.

WHAT WORKS ARE PROTECTED

Copyright protects "original works of authorship" that are fixed in a tangible form of expression. The fixation need not be directly perceptible, so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

(1) literary works;
(2) musical works, including any accompanying words;
(3) dramatic works, including any accompanying music;
(4) pantomimes and choreographic works;
(5) pictorial, graphic, and sculptural works;
(6) motion pictures and other audiovisual works;
(7) sound recordings; and
(8) architectural works.

These categories should be viewed quite broadly: for example, computer programs and most "compilations" are registrable as "literary works;" maps and architectural plans are registrable as "pictorial, graphic, and sculptural works."

WHAT IS NOT PROTECTED BY COPYRIGHT

Several categories of material are generally not eligible for statutory copyright protection. These include among others:

- Works that have ***not*** been fixed in a tangible form of expression. For example: choreographic works that have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded.
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents.
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration.
- Works consisting ***entirely*** of information that is common property and containing no original authorship. For example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources.

HOW TO SECURE A COPYRIGHT

Copyright Secured Automatically Upon Creation

The way in which copyright protection is secured under the present law is frequently misunderstood. No publication or registration or other action in the Copyright Office is required to secure copyright (see following NOTE). There are, however, certain definite advantages to registration. (See page 7.)

Copyright is secured ***automatically*** when the work is created, and a work is "created" when it is fixed in a copy or phonorecord for the first time. "Copies" are material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as books, manuscripts, sheet music, film, videotape, or microfilm. "Phonorecords" are material objects embodying fixations of sounds (excluding, by statutory definition, motion picture soundtracks), such as audio tapes and phonograph disks. Thus, for example, a song (the "work") can be fixed in sheet music ("copies") or in phonograph disks ("phonorecords"), or both.

If a work is prepared over a period of time, the part of the work that is fixed on a particular date constitutes the created work as of that date.

PUBLICATION

Publication is no longer the key to obtaining statutory copyright as it was under the Copyright Act of 1909. However, publication remains important to copyright owners.

The Copyright Act defines publication as follows:

> "Publication" is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public perform-

ance or display of a work does not of itself constitute publication.

NOTE: Before 1978, statutory copyright was generally secured by the act of publication with notice of copyright, assuming compliance with all other relevant statutory conditions. Works in the public domain on January 1, 1978 (for example, works published without satisfying all conditions for securing statutory copyright under the Copyright Act of 1909) remain in the public domain under the current Act.

Statutory copyright could also be secured before 1978 by the act of registration in the case of certain unpublished works and works eligible for ad interim copyright. The current Act automatically extends to full term (section 304 sets the term) copyright for all works including those subject to ad interim copyright if ad interim registration has been made on or before June 30, 1978.

A further discussion of the definition of "publication" can be found in the legislative history of the Act. The legislative reports define "to the public" as distribution to persons under no explicit or implicit restrictions with respect to disclosure of the contents. The reports state that the definition makes it clear that the sale of phonorecords constitutes publication of the underlying work, for example, the musical, dramatic, or literary work embodied in a phonorecord. The reports also state that it is clear that any form of dissemination in which the material object does not change hands, for example, performances or displays on television, is ***not*** a publication no matter how many people are exposed to the work. However, when copies or phonorecords are offered for sale or lease to a group of wholesalers, broadcasters, or motion picture theaters, publication does take place if the purpose is further distribution, public performance, or public display.

Publication is an important concept in the copyright law for several reasons:

- When a work is published, it may bear a notice of copyright to identify the year of publication and the name of the copyright owner and to inform the public that the work is protected by copyright. Works published before March 1, 1989, ***must*** bear the notice or risk loss of copyright protection. (See discussion "notice of copyright" below.)
- Works that are published in the United States are subject to mandatory deposit with the Library of Congress. (See discussion on page 9 on "mandatory deposit.")
- Publication of a work can affect the limitations on the exclusive rights of the copyright owner that are set forth in sections 107 through 120 of the law.
- The year of publication may determine the duration of copyright protection for anonymous and pseudonymous works (when the author's identity is not revealed in the records of the Copyright Office) and for works made for hire.
- Deposit requirements for registration of published works differ from those for registration of unpublished works. (See discussion on page 8 of "registration" procedures.)

NOTICE OF COPYRIGHT

For works first published on and after March 1, 1989, use of the copyright notice is optional, though highly recommended. Before March 1, 1989, the use of the notice was mandatory on all published works, and any work first published before that date must bear a notice or risk loss of copyright protection.

(The Copyright Office does not take a position on whether works first published with notice before March 1, 1989, and reprinted and distributed on and after March 1, 1989, must bear the copyright notice.)

Use of the notice is recommended because it informs the public that the work is protected by copyright, identifies the copyright owner, and shows the year of first publication. Furthermore, in the event that a work is infringed, if the work carries a proper notice, the court will not allow a defendant to claim "innocent infringement"—that is, that he or she did not realize that the work is protected. (A successful innocent infringement claim may result in a reduction in damages that the copyright owner would otherwise receive.)

The use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from, or registration with, the Copyright Office.

Form of Notice for Visually Perceptible Copies

The notice for visually perceptible copies should contain all of the following three elements:

1. ***The symbol*** © (the letter C in a circle), or the word "Copyright," or the abbreviation "Copr."; and
2. ***The year of first publication*** of the work. In the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient. The year date

may be omitted where a pictorial, graphic, or sculptural work, with accompanying textual matter, if any, is reproduced in or on greeting cards, postcards, stationery, jewelry, dolls, toys, or any useful article; and

3. ***The name of the owner of copyright*** in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

Example: © 1992 John Doe

The "C in a circle" notice is used only on "visually perceptible copies." Certain kinds of works—for example, musical, dramatic, and literary works—may be fixed not in "copies" but by means of sound in an audio recording. Since audio recordings such as audio tapes and phonograph disks are "phonorecords" and not "copies," the "C in a circle" notice is not used to indicate protection of the underlying musical, dramatic, or literary work that is recorded.

Form of Notice for Phonorecords of Sound Recordings

The copyright notice for phonorecords of sound recordings* has somewhat different requirements. The notice appearing on phonorecords should contain the following three elements:

1. ***The symbol*** ℗ (the letter P in a circle); and
2. ***The year of first publication*** of the sound recording; and
3. ***The name of the owner of copyright*** in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner. If the producer of the sound recording is named on the phonorecord labels or containers, and if no other name appears in conjunction with the notice, the producer's name shall be considered a part of the notice.

Example: ℗ 1992 A.B.C., Inc.

NOTE: Since questions may arise from the use of variant forms of the notice, any form of the notice other than those given here should not be used without first seeking legal advice.

* Sound recordings are defined as "works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work, regardless of the nature of the material objects, such as disks, tapes, or other phonorecords, in which they are embodied.

Position of Notice

The notice should be affixed to copies or phonorecords of the work in such a manner and location as to "give reasonable notice of the claim of copyright." The notice on phonorecords may appear on the surface of the phonorecord or on the phonorecord label or container, provided the manner of placement and location give reasonable notice of the claim. The three elements of the notice should ordinarily appear together on the copies or phonorecords. The Copyright Office has issued regulations concerning the form and position of the copyright notice in the *Code of Federal Regulations* (37 CFR Part 201). For more information, request Circular 3.

Publications Incorporating United States Government Works

Works by the U.S. Government are not eligible for copyright protection. For works published on and after March 1, 1989, the previous notice requirement for works consisting primarily of one or more U.S. Government works has been eliminated. However, use of the copyright notice for these works is still strongly recommended. Use of a notice on such a work will defeat a claim of innocent infringement as previously described ***provided*** the notice also includes a statement that identifies one of the following: those portions of the work in which copyright is claimed or those portions that constitute U.S. Government material. An example is:

© 1992 Jane Brown. Copyright claimed in Chapters 7-10, exclusive of U.S. Government maps.

Works published before March 1, 1989, that consist primarily of one or more works of the U.S. Government ***must*** bear a notice and the identifying statement.

Unpublished Works

To avoid an inadvertent publication without notice, the author or other owner of copyright may wish to place a copyright notice on any copies or phonorecords that leave his or her control. An appropriate notice for an unpublished work is: Unpublished work © 1992 Jane Doe.

Effect of Omission of the Notice or of Error in the Name or Date

The Copyright Act, in sections 405 and 406, provides procedures for correcting errors and omissions of the copyright notice on works published on or after January 1, 1978, and before March 1, 1989.

In general, if a notice was omitted or an error was made on copies distributed between January 1, 1978, and March 1, 1989, the copyright was not automatically lost. Copyright protection may be maintained if registration for the work has been made before or is made within 5 years after the publication without notice, and a reasonable effort is made to add the notice to all copies or phonorecords that are distributed to the public in the United States after the omission has been discovered. For more information request Circular 3.

HOW LONG COPYRIGHT PROTECTION ENDURES

Works Originally Created On or After January 1, 1978

A work that is created (fixed in tangible form for the first time) on or after January 1, 1978, is automatically protected from the moment of its creation, and is ordinarily given a term enduring for the author's life, plus an additional 50 years after the author's death. In the case of "a joint work prepared by two or more authors who did not work for hire," the term lasts for 50 years after the last surviving author's death. For works made for hire, and for anonymous and pseudonymous works (unless the author's identity is revealed in Copyright Office records), the duration of copyright will be 75 years from publication or 100 years from creation, whichever is shorter.

Works Originally Created Before January 1, 1978, But Not Published or Registered by That Date

Works that were created but not published or registered for copyright before January 1, 1978, have been automatically brought under the statute and are now given Federal copyright protection. The duration of copyright in these works will generally be computed in the same way as for works created on or after January 1, 1978: the life-plus-50 or 75/100-year terms will apply to them as well. The law provides that in no case will the term of copyright for works in this category expire before December 31, 2002, and for works published on or before December 31, 2002, the term of copyright will not expire before December 31, 2027.

Works Originally Created and Published or Registered Before January 1, 1978

Under the law in effect before 1978, copyright was secured either on the date a work was published or on the date of registration if the work was registered in unpublished form. In either case, the copyright endured for a first term of 28 years from the date it was secured. During the last (28th) year of the first term, the copyright was eligible for renewal. The current copyright law has extended the renewal term from 28 to 47 years for copyrights that were subsisting on January 1, 1978, making these works eligible for a total term of protection of 75 years. However, the copyright ***must*** be renewed to receive the 47-year period of added protection. This is accomplished by filing a properly completed Form RE accompanied by a $12 filing fee in the Copyright Office before the end of the 28th calendar year of the original term.

For more detailed information on the copyright term, write to the Copyright Office and request Circulars 15a and 15t. For information on how to search the Copyright Office records concerning the copyright status of a work, request Circular 22.

TRANSFER OF COPYRIGHT

Any or all of the exclusive rights, or any subdivision of those rights, of the copyright owner may be transferred, but the transfer of ***exclusive*** rights is not valid unless that transfer is in writing and signed by the owner of the rights conveyed (or such owner's duly authorized agent). Transfer of a right on a nonexclusive basis does not require a written agreement.

A copyright may also be conveyed by operation of law and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession.

Copyright is a personal property right, and it is subject to the various state laws and regulations that govern the ownership, inheritance, or transfer of personal property as well as terms of contracts or conduct of business. For information about relevant state laws, consult an attorney.

Transfers of copyright are normally made by contract. The Copyright Office does not have or supply any forms for such transfers. However, the law does provide for the recordation in the Copyright Office of transfers of copyright ownership. Although recordation is not required to make a valid transfer between the parties, it does provide certain legal advantages and may be required to validate the transfer as against third parties. For information on recordation of transfers and other documents related to copyright, request Circular 12.

Termination of Transfers

Under the previous law, the copyright in a work reverted to the author, if living, or if the author was not living, to other specified beneficiaries, provided a renewal claim was registered in the 28th year of the original term. The present law drops the renewal feature except for works already in the first term of statutory protection when the present law took effect.

Instead, the present law permits termination of a grant of rights after 35 years under certain conditions by serving written notice on the transferee within specified time limits.

For works already under statutory copyright protection before 1978, the present law provides a similar right of termination covering the newly added years that extended the former maximum term of the copyright from 56 to 75 years. For further information, request Circulars 15a and 15t.

INTERNATIONAL COPYRIGHT PROTECTION

There is no such thing as an "international copyright" that will automatically protect an author's writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions. For a list of countries which maintain copyright relations with the United States, request Circular 38a.

The United States belongs to both global, multilateral copyright treaties—the Universal Copyright Convention (UCC) and the Berne Convention for the Protection of Literary and Artistic Works. The United States was a founding member of the UCC, which came into force on September 16, 1955. Generally, a work by a national or domiciliary of a country that is a member of the UCC or a work first published in a UCC country may claim protection under the UCC. If the work bears the notice of copyright in the form and position specified by the UCC, this notice will satisfy and substitute for any other formalities a UCC member country would otherwise impose as a condition of copyright. A UCC notice should consist of the symbol © accompanied by the name of the copyright proprietor and the year of first publication of the work.

By joining the Berne Convention on March 1, 1989, the United States gained protection for its authors in all member nations of the Berne Union with which the United States formerly had either no copyright relations or had bilateral treaty arrangements. Members of the Berne Union agree to a certain minimum level of copyright protection and agree to treat nationals of other member countries like their own nationals for purposes of copyright. A work first published in the United States or another Berne Union country (or first published in a non-Berne country, followed by publication within 30 days in a Berne Union country) is eligible for protection in all Berne member countries. There are no special requirements. For information on the legislation implementing the Berne Convention, request Circular 93 from the Copyright Office.

An author who wishes protection for his or her work in a particular country should first find out the extent of protection of foreign works in that country. If possible, this should be done before the work is published anywhere, since protection may often depend on the facts existing at the time of ***first*** publication.

If the country in which protection is sought is a party to one of the international copyright conventions, the work may generally be protected by complying with the conditions of the convention. Even if the work cannot be brought under an international convention, protection under the specific provisions of the country's national laws may still be possible. Some countries, however, offer little or no copyright protection for foreign works.

COPYRIGHT REGISTRATION

In general, copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. However, except in two specific situations,* registration is not a condition of copyright protection. Even though registration is not generally a requirement for protection, the copyright law provides several inducements or advantages to encourage copyright owners to make registration. Among these advantages are the following:

- Registration establishes a public record of the copyright claim;
- Before an infringement suit may be filed in court, registration is necessary for works of U.S. origin and for foreign works not originating in a Berne Union country. (For more information on when a work is of U.S. origin, request Circular 93.);
- If made before or within 5 years of publication, registration will establish prima facie evidence in court of the validity of the copyright and of the facts stated in the certificate; and
- If registration is made within 3 months after publication of the work or prior to an infringement of the work, statutory damages and attorney's fees will be available to the

*Works published with notice of copyright before January 1, 1978, must be registered and renewed during the first 28-year term of copyright to maintain protection.

Under sections 405 and 406 of the Copyright Act, copyright registration may be required to preserve a copyright on a work first published before March 1, 1989, that would otherwise be invalidated because the copyright notice was omitted from the published copies or phonorecords, or the name or year date was omitted, or certain errors were made in the year date.

copyright owner in court actions. Otherwise, only an award of actual damages and profits is available to the copyright owner.

- Copyright registration allows the owner of the copyright to record the registration with the U.S. Customs Service for protection against the importation of infringing copies. For additional information, request Publication No. 563 from:
  Commissioner of Customs
  ATTN: IPR Branch,
  Room 2104
  U.S. Customs Service
  1301 Constitution Avenue, N.W.
  Washington, D.C. 20229.

Registration may be made at any time within the life of the copyright. Unlike the law before 1978, when a work has been registered in unpublished form, it is not necessary to make another registration when the work becomes published (although the copyright owner may register the published edition, if desired).

REGISTRATION PROCEDURES

In General

A. To register a work, send the following three elements ***in the same envelope or package*** to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559: (see page 11 for what happens if the elements are sent separately).

1. A properly completed application form;
2. A nonrefundable filing fee of $20 for each application;*
3. A nonreturnable deposit of the work being registered. The deposit requirements vary in particular situations. The ***general*** requirements follow. Also note the information under "Special Deposit Requirements" immediately following this section.

- If the work is unpublished, one complete copy or phonorecord.
- If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.
- If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.
- If the work was first published outside the United States, one complete copy or phonorecord of the work as first published.

B. To register a renewal, send:

1. A properly completed RE application form; and
2. A nonrefundable filing fee of $12 for each work.

NOTE: COMPLETE THE APPLICATION FORM USING BLACK INK PEN OR TYPEWRITER. You may photocopy blank application forms: **however,** photocopied forms submitted to the Copyright Office must be clear, legible, on a good grade of 8 1/2-inch by 11-inch white paper suitable for automatic feeding through a photocopier. The forms should be printed preferably in black ink, head-to-head (so that when you turn the sheet over, the top of page 2 is directly behind the top of page 1). **Forms not meeting these requirements will be returned.**

Special Deposit Requirements

Special deposit requirements exist for many types of work. In some instances, only one copy is required for published works, in other instances only identifying material is required, and in still other instances, the deposit requirement may be unique. The following are three prominent examples of exceptions to the general deposit requirements:

- If the work is a motion picture, the deposit requirement is one complete copy of the unpublished or published motion picture ***and*** a separate written description of its contents, such as a continuity, press book, or synopsis.
- If the work is a literary, dramatic or musical work ***published only on phonorecord,*** the deposit requirement is one complete copy of the phonorecord.
- If the work is an unpublished or published computer program, the deposit requirement is one visually perceptible copy in source code of the ***first and last 25 pages*** of the program. For a program of fewer than 50 pages, the deposit is a copy of the entire program. (For more information on computer program registration, including deposits

*Copyright fees are adjusted at 5-year intervals, based on increases in the Consumer Price Index. The next adjustment is due in 1995. Contact the Copyright Office in January 1995 for the new fee schedule.
For the fee structure for application Form SE/GROUP, see instructions on the form.

for revised programs and provisions for trade secrets, request Circular 61.)

- If the work is in a CD-ROM format, the deposit requirement is one complete copy of the material, that is, the CD-ROM, the operating software, and any manual(s) accompanying it. If the identical work is also available in print or hard copy form, send one complete copy of the print version ***and*** one complete copy of the CD-ROM version.
- For information about group registration of serials, request Circular 62.

In the case of works reproduced in three-dimensional copies, identifying material such as photographs or drawings is ordinarily required. Other examples of special deposit requirements (but by no means an exhaustive list) include many works of the visual arts, such as greeting cards, toys, fabric, oversized material (request Circular 40a); video games and other machine-readable audiovisual works (request Circular 61 and ML-387); automated databases (request Circular 65); and contributions to collective works.

If you are unsure of the deposit requirement for your work, write or call the Copyright Office and describe the work you wish to register.

Unpublished Collections

A work may be registered in unpublished form as a "collection," with one application and one fee, under the following conditions:

- The elements of the collection are assembled in an orderly form;
- The combined elements bear a single title identifying the collection as a whole;
- The copyright claimant in all the elements and in the collection as a whole is the same; and
- All of the elements are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element.

An unpublished collection is indexed in the *Catalog of Copyright Entries* only under the collection title.

CORRECTIONS AND AMPLIFICATIONS OF EXISTING REGISTRATIONS

To correct an error in a copyright registration or to amplify the information given in a registration, file a supplementary registration form—Form CA—with the Copyright Office. The information in a supplementary registration augments but does not supersede that contained in the earlier registration. Note also that a supplementary registration is not a substitute for an original registration, for a renewal registration, or for recording a transfer of ownership. For further information about supplementary registration, request Circular 8.

MANDATORY DEPOSIT FOR WORKS PUBLISHED IN THE UNITED STATES

Although a copyright registration is not required, the Copyright Act establishes a mandatory deposit requirement for works published in the United States (see definition of "publication" on page 3). In general, the owner of copyright, or the owner of the exclusive right of publication in the work, has a legal obligation to deposit in the Copyright Office, within 3 months of publication in the United States, 2 copies (or, in the case of sound recordings, 2 phonorecords) for the use of the Library of Congress. Failure to make the deposit can result in fines and other penalties, but does not affect copyright protection.

Certain categories of works are ***exempt entirely*** from the mandatory deposit requirements, and the obligation is re-

NOTE: LIBRARY OF CONGRESS CATALOG CARD NUMBERS.
A Library of Congress Catalog Card Number is different from a copyright registration number. The Cataloging in Publication (CIP) Division of the Library of Congress is responsible for assigning LC Catalog Card Numbers and is operationally separate from the Copyright Office. A book may be registered in or deposited with the Copyright Office but not necessarily cataloged and added to the Library's collections. For information about obtaining an LC Catalog Card Number, contact the CIP Division, Library of Congress, Washington, D.C. 20540. For information on International Standard Book Numbering (ISBN), write to: ISBN , R.R. Bowker/ Martindale-Hubbell, 121 Chanlon Road, New Providence, N.J. 07974. Call (908) 665-6770. For information on International Standard Serial Numbering (ISSN), write to: Library of Congress, National Serials Data Program, Washington, D.C. 20540.

duced for certain other categories. For further information about mandatory deposit, request Circular 7d.

USE OF MANDATORY DEPOSIT TO SATISFY REGISTRATION REQUIREMENTS

For works published in the United States the Copyright Act contains a provision under which a single deposit can be made to satisfy both the deposit requirements for the Library and the registration requirements. In order to have this dual effect, the copies or phonorecords must be accompanied by the prescribed application and filing fee.

WHO MAY FILE AN APPLICATION FORM

The following persons are legally entitled to submit an application form:

- The author. This is either the person who actually created the work, or, if the work was made for hire, the employer or other person for whom the work was prepared.
- The copyright claimant. The copyright claimant is defined in Copyright Office regulations as either the author of the work or a person or organization that has obtained ownership of all the rights under the copyright initially belonging to the author. This category includes a person or organization who has obtained by contract the right to claim legal title to the copyright in an application for copyright registration.
- The owner of exclusive right(s). Under the law, any of the exclusive rights that go to make up a copyright and any subdivision of them can be transferred and owned separately, even though the transfer may be limited in time or place of effect. The term "copyright owner" with respect to any one of the exclusive rights contained in a copyright refers to the owner of that particular right. Any owner of an exclusive right may apply for registration of a claim in the work.
- The duly authorized agent of such author, other copyright claimant, or owner of exclusive right(s). Any person authorized to act on behalf of the author, other copyright claimant, or owner of exclusive rights may apply for registration.

There is no requirement that applications be prepared or filed by an attorney.

APPLICATION FORMS

For Original Registration

Form TX: for published and unpublished nondramatic literary works

Form SE: for serials, works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely (periodicals, newspapers, magazines, newsletters, annuals, journals, etc.)

Short Form/SE and Form SE/GROUP: specialized SE forms for use when certain requirements are met

Form PA: for published and unpublished works of the performing arts (musical and dramatic works, pantomimes and choreographic works, motion pictures and other audiovisual works)

Form VA: for published and unpublished works of the visual arts (pictorial, graphic, and sculptural works, including architectural works)

Form SR: for published and unpublished sound recordings

For Renewal Registration

Form RE: for claims to renewal copyright in works copyrighted under the law in effect through December 31, 1977 (1909 Copyright Act)

For Corrections and Amplifications

Form CA: for supplementary registration to correct or amplify information given in the Copyright Office record of an earlier registration

For a Group of Contributions to Periodicals

Form GR/CP: an adjunct application to be used for registration of a group of contributions to periodicals in addition to an application Form TX, PA, or VA

Free application forms are supplied by the Copyright Office.

COPYRIGHT OFFICE FORMS HOTLINE

NOTE: Requestors may order application forms and circulars at any time by telephoning (202) 707-9100. Orders will be recorded automatically and filled as quickly as possible. Please specify the kind and number of forms you are requesting.

MAILING INSTRUCTIONS

All applications and materials related to copyright registration should be addressed to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559.

The application, nonreturnable deposit (copies, phonorecords, or identifying material), and nonrefundable filing fee should be mailed in the same package.

We suggest that you contact your local post office for information about mailing these materials at lower-cost fourth class postage rates.

WHAT HAPPENS IF THE THREE ELEMENTS ARE NOT RECEIVED TOGETHER

Applications and fees received without appropriate copies, phonorecords, or identifying material will **not** be processed and will ordinarily be returned. Unpublished deposits without applications or fees will ordinarily be returned, also. In most cases, published deposits received without applications and fees can be immediately transferred to the collections of the Library of Congress. This practice is in accordance with section 408 of the law, which provides that the published deposit required for the collections of the Library of Congress may be used for registration only if the deposit is "accompanied by the prescribed application and fee...."

After the deposit is received and transferred to another department of the Library for its collections or other disposition, it is no longer available to the Copyright Office. If you wish to register the work, you must deposit additional copies or phonorecords with your application and fee.

FEES

Do not send cash. A fee sent to the Copyright Office should be in the form of a money order, check, or bank draft payable to the Register of Copyrights; it should be securely attached to the application. A remittance from outside the United States should be payable in U.S. dollars and should be in the form of an international money order or a draft drawn on a U.S. bank. Do not send a check drawn on a foreign bank.

EFFECTIVE DATE OF REGISTRATION

A copyright registration is effective on the date the Copyright Office receives all of the required elements in acceptable form, regardless of how long it then takes to process the application and mail the certificate of registration. The time the Copyright Office requires to process an application varies, depending on the amount of material the Office is receiving and the personnel available. Keep in mind that it may take a number of days for mailed material to reach the Copyright Office and for the certificate of registration to reach the recipient after being mailed by the Copyright Office.

If you are filing an application for copyright registration in the Copyright Office, you ***will not*** receive an acknowledgement that your application has been received, but you can expect:

- A letter or telephone call from a Copyright Office staff member if further information is needed;
- A certificate of registration to indicate the work has been registered; or
- If registration cannot be made, a letter explaining why it has been refused.

Please allow 120 days to receive a letter or certificate of registration.

If you want to know when the Copyright Office receives your material, you should send it by registered or certified mail and request a return receipt from the post office. Allow at least 3 weeks for the return of your receipt.

SEARCH OF COPYRIGHT OFFICE RECORDS

The records of the Copyright Office are open for inspection and searching by the public. Moreover, on request, the Copyright Office will search its records at the statutory rate of $20 for each hour or fraction of an hour. For information on searching the Office records concerning the copyright status or ownership of a work, request Circulars 22 and 23.

AVAILABLE INFORMATION

This circular attempts to answer some of the questions that are frequently asked about copyright. For a list of other material published by the Copyright Office, request Circular 2, "Publications on Copyright." Any requests for Copyright Office

publications or special questions relating to copyright problems not mentioned in this circular should be addressed to the Copyright Office, LM 455, Library of Congress, Washington, D.C. 20559. To speak to a Copyright Information Specialist, call (202) 707-3000.

The Copyright Office is not permitted to give legal advice. If you need information or guidance on matters such as disputes over the ownership of a copyright, suits against possible infringers, the procedure for getting a work published, or the method of obtaining royalty payments, it may be necessary to consult an attorney.



Copyright Office • Library of Congress • Washington, D.C. 20559

▲ March 1992—180.000

☆U.S. GOVERNMENT PRINTING OFFICE: 1992: 312-433/40,044

[redacted]

HAVE A QUESTION ?

[redacted]

BEFORE YOU WRITE OR CALL US . . .

TO SAVE YOU TIME AND MONEY,
WE HAVE LISTED BELOW SOME OF THE MORE FREQUENTLY ASKED QUESTIONS ABOUT COPYRIGHT REGISTRATION.
PLEASE TAKE A FEW MINUTES TO READ THIS SHEET BEFORE YOU CALL OR WRITE THE COPYRIGHT OFFICE.

HOW WILL I KNOW IF MY APPLICATION WAS RECEIVED?

You will not receive an acknowledgement that your application has been received—the Office receives over 600,000 applications annually—but you can expect **within 16 weeks of submission** (normally much more quickly):

- A certificate of registration to indicate the work has been registered, or
- A letter or telephone call from a Copyright Office staff member if further information is needed; or, if the application cannot be accepted, a letter explaining why it has been rejected.

If you want to know when the Copyright Office receives your material, send it by registered or certified mail and request a return receipt from the Postal Service. Due to the large volume of mail received by the Office daily, **you should allow at least 3 weeks for the return of your receipt.**

WHAT IS THE STATUS OF MY APPLICATION?

We cannot provide free information about the status of applications that have been in the Copyright Office fewer than 16 weeks. If you must have this information sooner, contact the Certifications and Documents Section, which can provide this information upon payment of applicable fees.

WHEN IS MY REGISTRATION EFFECTIVE?

A copyright registration is effective on the date that all the required elements (application, fee, and deposit) in acceptable form are received in the Copyright Office, regardless of the length of time it takes the Copyright Office to process the application and mail the certificate of registration. You do not have to receive your certificate before you publish or produce your work, nor do you need permission from the Copyright Office to place a notice of copyright on your material.

HOW MANY FORMS MAY I RECEIVE?

Because of budget restrictions we can no longer send unlimited quantities of our application forms and publications. If you need additional application forms or circulars, you may order a limited supply by calling the Copyright Office Hotline anytime day or night at (202)707-9100 and leaving a message on the recorder. We encourage you to photocopy our circulars and other informational material. You may also photocopy blank application forms; however, photocopied forms submitted to the Copyright Office must be clear, legible, and on a good grade of 8 1/2-inch by 11-inch white paper, suitable for automatic feeding through a photocopier. The forms should be printed, preferably in black ink, head to head (so that when you turn the sheet over, the top of page 2 is directly behind the top of page 1). **Forms not meeting these requirements will be returned.** Please allow 2-3 weeks for delivery of your order.

HOW DO I MAIL MATERIAL TO THE COPYRIGHT OFFICE?

Please use the following address when sending us mail:

Register of Copyrights
Copyright Office
Library of Congress
Washington, D.C. 20559

Include your ZIP Code in your return address. Also, please supply a daytime telephone number where you can be reached. Make certain that you send your nonrefundable filing fee, your completed application form, and your nonreturnable deposit (copies, phonorecords, or identifying material) **in the same package.**

We suggest that you contact your local Post Office for information about mailing these materials at lower cost fourth-class postage rates.

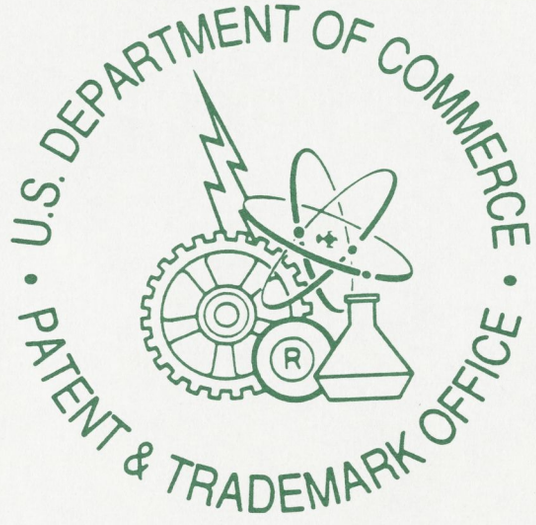
■ SL-9 December 1991—500,000

☆U.S. GOVERNMENT PRINTING OFFICE: 1991-312-433/40,032

BASIC FACTS
about
REGISTERING
a
TRADEMARK



U.S. Department of Commerce/Patent and Trademark Office



Revised, October 1994

For sale by the U.S. Government Printing Office
Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328
ISBN 0-16-045404-2

BASIC FACTS ABOUT REGISTERING A TRADEMARK

What is a Trademark?

A TRADEMARK is either a word, phrase, symbol or design, or combination of words, phrases, symbols or designs, which identifies and distinguishes the source of the goods or services of one party from those of others. A service mark is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product. Throughout this booklet the terms "trademark" and "mark" are used to refer to both trademarks and service marks whether they are word marks or other types of marks. Normally, a mark for goods appears on the product or on its packaging, while a service mark appears in advertising for the services.

A trademark is different from a copyright or a patent. A copyright protects an original artistic or literary work; a patent protects an invention. For copyright information call the Library of Congress at (202) 707-3000.

Establishing Trademark Rights

Trademark rights arise from either (1) actual use of the mark, or (2) the filing of a proper application to register a mark in the Patent and Trademark Office (PTO) stating that the applicant has a bona fide intention to use the mark in commerce regulated by the U.S. Congress. (See below, under "Types of Applications," for a discussion of what is meant by the terms commerce and use in commerce.) Federal registration is not required to establish rights in a mark, nor is it required to begin use of a mark. However, federal registration can secure benefits beyond the rights acquired by merely using a mark. For example, the owner of a federal registration is presumed to be the owner of the mark for the goods and services specified in the registration, and to be entitled to use the mark nationwide.

There are two related but distinct types of rights in a mark: the right to register and the right to use. Generally, the first party who either uses a mark in commerce or files an application in the PTO has the ultimate right to register that mark. The PTO's authority is limited to determining the right to register. The right to use a mark can be more complicated to determine. This is particularly true when two parties have begun use of the same or similar marks without knowledge of one another and neither has a federal registration. Only a court can render a decision about the right to use, such as issuing an injunction or awarding damages for infringement. It should be noted that a federal registration can provide significant advantages to a party involved in a court proceeding. The PTO cannot provide advice concerning rights in a mark. Only a private attorney can provide such advice.

Unlike copyrights or patents, trademark rights can last indefinitely if the owner continues to use the mark to identify its goods or services. The term of a federal trademark registration is 10 years, with 10-year renewal terms. However, between the fifth and sixth year after the date of initial registration, the registrant must file an affidavit setting forth certain information to keep the registration alive. If no affidavit is filed, the registration is canceled.

Types of Applications for Federal Registration

An applicant may apply for federal registration in three principal ways. (1) An applicant who has already commenced using a mark in commerce may file based on that use (a "use" application). (2) An applicant who has not yet used the mark may apply based on a bona fide intention to use the mark in commerce (an "intent-to-use" application). For the purpose of obtaining federal registration, commerce means all commerce which may lawfully be regulated by the U.S. Congress, for example, interstate commerce or commerce between the U.S. and another country. The use in commerce must be a bona fide use in the ordinary course of trade, and not made merely to reserve a right in a mark. Use of a mark in promotion or advertising before the product or service is actually provided under the mark on a normal commercial scale does not qualify as use in commerce. Use of a mark in purely local commerce within a state does not qualify as "use in commerce." If an applicant files based on a bona fide intention to use in commerce, the applicant will have to use the mark in commerce and submit an allegation of use to the PTO before the PTO will register the mark (See page 12). (3) Additionally, under certain international agreements, an applicant from outside the United States may file in the United States based on an application or registration in another country. For information regarding applications based on international agreements please call the information number provided on page 4.

A United States registration provides protection only in the United States and its territories. If the owner of a mark wishes to protect a mark in other countries, the owner must seek protection in each country separately under the relevant laws. The PTO cannot provide information or advice concerning protection in other countries. Interested parties may inquire directly in the relevant country or its U.S. offices or through an attorney.

Who May File an Application?

The application must be filed in the name of the owner of the mark; usually an individual, corporation or partnership. The owner of a mark controls the nature and quality of the goods or services identified by the mark. See below in the line-by-line instructions for information about who must sign the application and other papers.

The owner may submit and prosecute its own application for registration, or may be represented by an attorney. The PTO cannot help select an attorney.

Foreign Applicants

Applicants not living in the United States must designate in writing the name and address of a domestic representative -- a person residing in the United States "upon whom notices of process may be served for proceedings affecting the mark." The applicant may do so by submitting a statement that the named person at the address indicated is appointed as the applicant's domestic representative under §1(e) of the Trademark Act. The applicant must sign this statement. This person will receive all communications from the PTO unless the applicant is represented by an attorney in the United States.

Searches for Conflicting Marks

An applicant is not required to conduct a search for conflicting marks prior to applying with the PTO. However, some people find it useful. In evaluating an application, an examining attorney conducts a

search and notifies the applicant if a conflicting mark is found. The application fee, which covers processing and search costs, will not be refunded even if a conflict is found and the mark cannot be registered.

To determine whether there is a conflict between two marks, the PTO determines whether there would be likelihood of confusion, that is, whether relevant consumers would be likely to associate the goods or services of one party with those of the other party as a result of the use of the marks at issue by both parties. The principal factors to be considered in reaching this decision are the similarity of the marks and the commercial relationship between the goods and services identified by the marks. To find a conflict, the marks need not be identical, and the goods and services do not have to be the same.

The PTO does not conduct searches for the public to determine if a conflicting mark is registered, or is the subject of a pending application, except as noted above when acting on an application. However, there are a variety of ways to get this same type of information. First, by performing a search in the PTO public search library. The search library is located on the second floor of the South Tower Building, 2900 Crystal Drive, Arlington, Virginia 22202. Second, by visiting a patent and trademark depository library (at locations listed on pages 14 and 15). These libraries have CD-ROMS containing the trademark database of registered and pending marks. Finally, either a private trademark search company, or an attorney who deals with trademark law, can provide trademark registration information. The PTO cannot provide advice about possible conflicts between marks.

Laws & Rules Governing Federal Registration

The federal registration of trademarks is governed by the Trademark Act of 1946, as amended, 15 U.S.C. §1051 et seq.; the Trademark Rules, 37 C.F.R. Part 2; and the Trademark Manual of Examining Procedure (2d ed. 1993).

Other Types of Applications

In addition to trademarks and service marks, the Trademark Act provides for federal registration of other types of marks, such as certification marks, collective trademarks and service marks, and collective membership marks. These types of marks are relatively rare. For forms and information regarding the registration of these marks, please call the appropriate trademark information number indicated below.

Where to Send the Application and Correspondence

The application and all other correspondence should be addressed to "**The Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.**" The initial application should be directed to "**Box NEW APP / FEE.**" An AMENDMENT TO ALLEGE USE should be directed to "**Attn. AAU.**" A STATEMENT OF USE or REQUEST FOR AN EXTENSION OF TIME TO FILE A STATEMENT OF USE should be directed to "**Box ITU / FEE.**" (See page 5 for an explanation of these terms.)

The applicant should indicate its telephone number on the application form. Once a serial number is assigned to the application, the applicant should refer to the serial number in all written and telephone communications concerning the application.

It is advisable to submit a stamped, self-addressed postcard with the application specifically listing each item in the mailing, that is, the written application, the drawing, the fee, and the specimens (if appropriate). The PTO will stamp the filing date and serial number of the application on the postcard to acknowledge receipt. This will help the applicant if any item is later lost or if the applicant wishes to inquire about the application. The PTO will send a separate official notification of the filing date and serial number for every application about two months after receipt.

Use of the "TM," "SM" and "®" Symbols

Anyone who claims rights in a mark may use the TM (trademark) or SM (service mark) designation with the mark to alert the public to the claim. It is not necessary to have a registration, or even a pending application, to use these designations. The claim may or may not be valid. The registration symbol, ®, may only be used when the mark is registered in the PTO. It is improper to use this symbol at any point before the registration issues. Please omit all symbols from the mark in the drawing you submit with your application; the symbols are not considered part of the mark.

Information Numbers

General Trademark or Patent Information	(703) 308-HELP
Automated (Recorded) General Trademark or Patent Information	(703) 557-INFO
Automated Line for Status Information on Trademark Applications (Additional status information is available at (703) 308-9400)	(703) 305-8747
Assignment & Certification Branch (Assignments, Changes of Name, and Certified Copies of Applications and Registrations)	(703) 308-9723
Trademark Assistance Center	(703) 308-9000
Information Regarding Renewals [Sec. 9], Affidavits of Use [Sec. 8], Incontestability [Sec. 15], or Correcting a Mistake on a Registration	(703) 308-9500
Information Regarding Applications Based on International Agreements or for Certification, Collective, or Collective Membership Marks	(703) 308-9000
Trademark Trial and Appeal Board	(703) 308-9300
Assistant Commissioner for Trademarks	(703) 308-8900

THE REGISTRATION PROCESS

Filing Date - Filing Receipt

The PTO is responsible for the federal registration of trademarks. When an application is received, the PTO reviews it to determine if it meets the minimum requirements for receiving a filing date. If the application meets the filing requirements, the PTO assigns it a serial number and sends the applicant a receipt about two months after filing. If the minimum requirements are not met, the entire mailing, including the filing fee, is returned to the applicant.

Examination

About four months after filing, an examining attorney at the PTO reviews the application and determines whether the mark may be registered. If the examining attorney determines that the mark cannot be registered, the examining attorney will issue a letter listing any grounds for refusal and any corrections

required in the application. The examining attorney may also contact the applicant by telephone if only minor corrections are required. The applicant must respond to any objections within six months of the mailing date of the letter, or the application will be abandoned. If the applicant's response does not overcome all objections, the examining attorney will issue a final refusal. The applicant may then appeal to the Trademark Trial and Appeal Board, an administrative tribunal within the PTO.

A common ground for refusal is likelihood of confusion between the applicant's mark and a registered mark. This ground is discussed on pages 2 and 3. Marks which are merely descriptive in relation to the applicant's goods or services, or a feature of the goods or services, may also be refused. Marks consisting of geographic terms or surnames may also be refused. Marks may be refused for other reasons as well.

Publication for Opposition

If there are no objections, or if the applicant overcomes all objections, the examining attorney will approve the mark for publication in the Official Gazette, a weekly publication of the PTO. The PTO will send a NOTICE OF PUBLICATION to the applicant indicating the date of publication. In the case of two or more applications for similar marks, the PTO will publish the application with the earliest effective filing date first. Any party who believes it may be damaged by the registration of the mark has 30 days from the date of publication to file an opposition to registration. An opposition is similar to a formal proceeding in the federal courts, but is held before the Trademark Trial and Appeal Board. If no opposition is filed, the application enters the next stage of the registration process.

Issuance of Certificate of Registration or Notice of Allowance

If the application was based upon the actual use of the mark in commerce prior to approval for publication, the PTO will register the mark and issue a registration certificate about 12 weeks after the date the mark was published, if no opposition was filed.

If, instead, the mark was published based upon the applicant's statement of having a bona fide intention to use the mark in commerce, the PTO will issue a NOTICE OF ALLOWANCE about 12 weeks after the date the mark was published, again provided no opposition was filed. The applicant then has six months from the date of the NOTICE OF ALLOWANCE to either (1) use the mark in commerce and submit a STATEMENT OF USE, or (2) request a six-month EXTENSION OF TIME TO FILE A STATEMENT OF USE (see forms and instructions in this booklet). The applicant may request additional extensions of time only as noted in the instructions on the back of the extension form. If the STATEMENT OF USE is filed and approved, the PTO will then issue the registration certificate.

FILING REQUIREMENTS

WARNING: BEFORE COMPLETING AN APPLICATION, READ THE INSTRUCTIONS CAREFULLY AND STUDY THE EXAMPLES PROVIDED. ERRORS OR OMISSIONS MAY RESULT IN THE DENIAL OF A FILING DATE AND THE RETURN OF APPLICATION PAPERS, *OR* THE DENIAL OF REGISTRATION AND FORFEITURE OF THE FILING FEE.

To receive a filing date, the applicant must provide all of the following:

1. A **written application** form;
2. A **drawing** of the mark on a separate piece of paper;

3. The required filing **fee** (see page 11 for fee information); and
4. If the application is filed based upon prior use of the mark in commerce, **three specimens** for each class of goods or services. The specimens must show actual use of the mark with the goods or services. The specimens may be identical or they may be examples of three different uses showing the same mark.

1. WRITTEN APPLICATION FORM [PTO FORM 1478]

The application must be in English. A separate application must be filed for each mark the applicant wishes to register. Likewise, if the applicant wishes to register more than one version of the same mark, a separate application must be filed for each version. PTO Form 1478 included in the back of this booklet may be used for either a trademark or service mark application. It may be photocopied for your convenience. See the examples of completed applications on pages 16 and 17 with references to the following line-by-line instructions.

LINE-BY-LINE INSTRUCTIONS FOR FILLING OUT PTO FORM 1478, ENTITLED "TRADEMARK/SERVICE MARK APPLICATION, PRINCIPAL REGISTER, WITH DECLARATION"

Space 1 -- The Mark

Indicate the mark (for example, "THEORYTEC" or "PINSTRIPES AND DESIGN"). This should agree with the mark shown on the drawing page. If there is a discrepancy between the mark described in the written application and the mark displayed in the drawing, the drawing controls.

Space 2 -- Classification

It is not necessary to fill in this box. The PTO will determine the proper International Classification based upon the identification of the goods and services in the application. However, if the applicant knows the International Class number(s) for the goods and services, the applicant may place the number(s) in this box. The International Classes are listed inside of the back cover of this booklet. If the PTO determines that the goods and services listed are in more than one class, the PTO will notify the applicant during examination of the application, and the applicant will have the opportunity to pay the fees for any additional classes or to limit the goods and services to one or more classes.

Space 3 -- The Owner of the Mark

The name of the owner of the mark must be entered in this box. The application must be filed in the name of the owner of the mark or the application will be void, and the applicant will forfeit the filing fee. The owner of the mark is the party who controls the nature and quality of the goods sold, or services rendered, under the mark. The owner may be an individual, a partnership, a corporation, or an association or similar firm. If the applicant is a corporation, the applicant's name is the name under which it is incorporated. If the applicant is a partnership, the applicant's name is the name under which it is organized.

Space 4 -- The Owner's Address

Enter the applicant's business address. If the applicant is an individual, enter either the applicant's business

or home address.

Space 5 -- Entity Type and Citizenship/Domicile

The applicant must check the box which indicates the type of entity applying. In addition, in the blank following the box, the applicant must specify the following information:

Space 5(a) -- for an **individual**, the applicant's national citizenship;

Space 5(b) -- for a **partnership**, the names and national citizenship of the general partners and the state where the partnership is organized (if a U.S. partnership) or country (if a foreign partnership);

Space 5(c) -- for a **corporation**, the state of incorporation (if a U.S. corporation), or country (if a foreign corporation); or

Space 5(d) -- for another type of entity, specify the nature of the entity and the state where it is organized (if in the U.S.) or country where it is organized (if a foreign entity).

Space 6 -- Identification of the Goods and/or Services

In this blank the applicant must state the specific goods and services for which registration is sought and with which the applicant has actually used the mark in commerce, or in the case of an "intent-to-use" application, has a bona fide intention to use the mark in commerce. Use clear and concise terms specifying the actual goods and services by their common commercial names. A mark can only be registered for specific goods and services. The goods and services listed will establish the scope of the applicant's rights in the relevant mark.

The goods and services listed must be the applicant's actual "goods in trade" or the actual services the applicant renders for the benefit of others. Use language that would be readily understandable to the general public. For example, if the applicant uses or intends to use the mark to identify "candy," "word processors," "baseballs and baseball bats," "travel magazines," "dry cleaning services" or "restaurant services" the identification should clearly and concisely list each such item. If the applicant uses indefinite terms, such as "accessories," "components," "devices," "equipment," "food," "materials," "parts," "systems," "products," or the like, then those words must be followed by the word "namely" and the goods or services listed by their common commercial name(s). Note that the terms used in the classification listing on the inside of the back cover of this booklet are generally too broad. Do not use these terms by themselves.

The applicant must be very careful when identifying the goods and services. Because the filing of an application establishes certain presumptions of rights as of the filing date, the application may not **be amended later to add any products or services not within the scope of the identification.** For example, the identification of "clothing" could be amended to "shirts and jackets," which narrows the scope, but could not be amended to "retail clothing store services," which would change the scope. Similarly, "physical therapy services" could not be changed to "medical services" because this would broaden the scope of the identification. Also, if the identification includes a trade channel limitation, deleting that limitation would broaden the scope of the identification.

The identification of goods and services must not describe **the mode** of use of the mark, such as on

labels, stationery, menus, signs, containers or in advertising. There is another place on the application, called the "method-of-use clause," for this kind of information. (See information under Space 7a, fourth blank, described on the next page.) For example, in the identification of goods and services, the term "advertising" usually is intended to identify a service rendered by advertising agencies. Moreover, "labels," "menus," "signs" and "containers" are specific goods. If the applicant identifies these goods or services by mistake, the applicant may not amend the identification to the actual goods or services of the applicant. Thus, if the identification indicates "menus," it could not be amended to "restaurant services." Similarly, if the goods are identified as "containers or labels for jam," the identification could not be amended to "jam."

NOTE: If nothing appears in this blank, or if the identification does not identify any recognizable goods or services, the application will be denied a filing date and returned to the applicant. For example, if the applicant specifies the mark itself or wording such as "company name," "corporate name," or "company logo," and nothing else, the application will be denied a filing date and returned to the applicant. If the applicant identifies the goods and services too broadly as, for example, "advertising and business," "miscellaneous," "miscellaneous goods and services," or just "products," or "services," the application will also be denied a filing date and returned to the applicant.

Space 7 -- Basis for Filing

The applicant must check at least one of the four boxes to specify a basis for filing the application. The applicant should also fill in all blanks which follow the checked box(es). Usually an application is based upon either (1) use of the mark in commerce (the first box), or (2) a bona fide intention to use the mark in commerce (the second box). **You may not check both the first and second box. If both the first and second boxes are checked, the PTO will *not* accept the application and will return it.** If an applicant wishes to apply to register a mark, for certain goods and services for which it is already using the mark in commerce, and also for other goods and services based on future use, separate applications must be filed to separate the relevant goods and services from each other.

Space 7(a)

If the applicant is using the mark in commerce in relation to all of the goods and services listed in the application, check this first box and fill in the blanks.

In the **first blank** specify the date the trademark was first used to identify the goods and services in a type of commerce which may be regulated by Congress.

In the **second blank** specify the type of commerce, specifically a type of commerce which may be regulated by Congress, in which the goods were sold or shipped, or the services were rendered. (See page 2 for a discussion of the meaning of "use in commerce.") For example, indicate "interstate commerce" (commerce between two or more states) or commerce between the United States and a specific foreign country, for example, "commerce between the U.S. and Canada."

In the **third blank** specify the date that the mark was first used anywhere to identify the goods or services specified in the application. This date will be the same as the date of first use in commerce unless the applicant made some use, for example, within a single state, before the first use in commerce.

In the **fourth blank** specify how the mark is placed on the goods or used with the services. This is referred to as the "method-of-use clause," and should not be confused with the identification of the goods and

services described under Space 6. For example, in relation to goods, state "the mark is used on labels affixed to the goods," or "the mark is used on containers for the goods," whichever is accurate. In relation to services, state "the mark is used in advertisements for the services."

Space 7(b)

If the applicant has a bona fide intention to use the mark in commerce in relation to the goods or services specified in the application, check this second box and fill in the blank. The applicant should check this box if the mark has not been used at all or if the mark has been used on the specified goods or services only within a single state.

In the blank, state how the mark is intended to be placed on the goods or used with the services. For example, for goods, state "the mark will be used on labels affixed to the goods," or "the mark will be used on containers for the goods," whichever is accurate. For services, state "the mark will be used in advertisements for the services."

Spaces 7(c) and (d)

These spaces are usually used only by applicants from foreign countries who are filing in the United States under international agreements. These applications are less common. For further information about treaty-based applications, call the trademark information number listed in this booklet on page 4, or contact a private attorney.

Space 8 -- Verification and Signature

The applicant must verify the truth and accuracy of the information in the application and must sign the application. The declaration in Space 8, on the back of the form, is for this purpose. If the application is not signed, the application will not be granted a filing date and will be returned to the applicant. If the application is not signed by an appropriate person, the application will be found void and the filing fee will be forfeited. Therefore, it is important that the proper person sign the application.

Who should sign?

- If the applicant is an **individual**, that **individual** must sign.

- If the applicant is a **partnership**, a **general partner** must sign.

- If the applicant is a **corporation, association or similar organization**, an **officer** of the corporation, association or organization must sign. An officer is a person who holds an office established in the articles of incorporation or the bylaws. **Officers may not delegate this authority to non officers**.

- If the applicants are **joint applicants**, all joint applicants must sign.

The person who signs the application must indicate the date signed, provide a telephone number to be used if it is necessary to contact the applicant, and clearly print or type their name and position.

2. THE DRAWING PAGE

Every application must include a single drawing page. If there is no drawing page, the application will be denied a filing date and returned to the applicant. The PTO uses the drawing to file the mark in the PTO search records and to print the mark in the Official Gazette and on the registration.

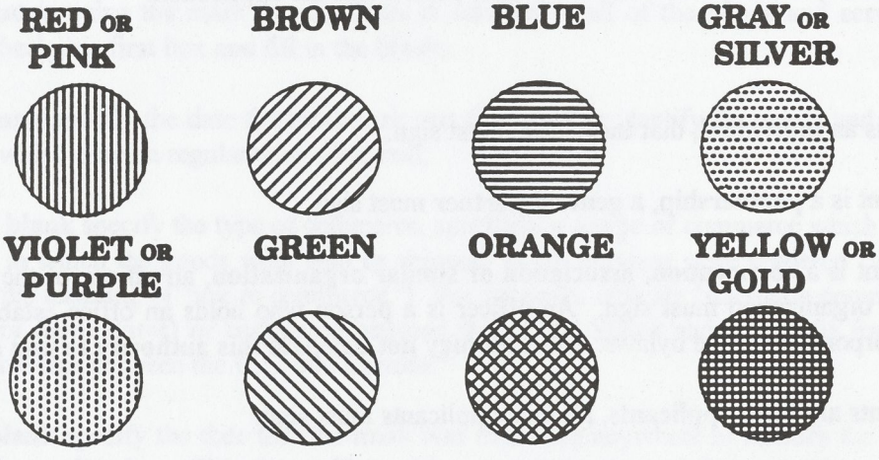
The drawing must be on pure white, durable, non-shiny paper that is 8½ (21.59 cm) inches wide by 11 (27.94 cm) inches long. There must be at least a one-inch (2.54 cm) margin on the sides, top and bottom of the page, and at least one inch between the heading and the display of the mark.

At the top of the drawing there must be a **heading**, listing on separate lines, the applicant's complete name, address, the goods and services specified in the application, and in applications based on use in commerce, the date of first use of the mark and the date of first use of the mark in commerce. This heading should be typewritten. If the drawing is in special form, the heading should include a description of the essential elements of the mark.

The **drawing of the mark** should appear at the center of the page. The drawing of the mark may be typewritten, as shown on page 19, or it may be in special form, as shown on page 18.

If the mark includes words, numbers or letters, the applicant can usually elect to submit either a typewritten or a special-form drawing. To register a mark consisting of only words, letters or numbers, without indicating any particular style or design, provide a typewritten drawing. In a typewritten drawing the mark must be typed entirely in CAPITAL LETTERS, even if the mark, as used, includes lower-case letters. Use a standard typewriter or type of the same size and style as that on a standard typewriter.

To indicate color, use the color linings shown below. The appropriate lining should appear in the area where the relevant color would appear. If the drawings is lined for color, insert a statement in the written application to indicate so, for example, "The mark is lined for the colors red and green." A plain black-and-white drawing is acceptable even if the mark is used in color. Most drawings do not indicate specific colors.



Be careful in preparing the drawing. While it may be possible to make some minor changes, the rules prohibit any material change to the drawing of the mark after filing.

To register a word mark in the form in which it is actually used or intended to be used in commerce, or any mark including a design, submit a **special-form** drawing. In a special-form drawing, the mark must not be larger than 4 inches by 4 inches (10.16 cm by 10.16 cm). If the drawing of the mark is larger than 4 inches by 4 inches, the application will be denied a filing date and returned to the applicant. In addition, the drawing must appear only in black and white, with every line and letter black and clear. No color or gray is allowed. Do not combine typed matter and special form in the same drawing.

The drawing in special form must be a substantially exact representation of the mark as it appears on the specimens. The applicant may apply to register any portion of a mark consisting of more than one element, provided the mark displayed in the drawing creates a separate impression apart from other elements it appears with on the specimens. For example, generally it is possible to register a word mark by itself even though the specimen shows the word mark used in combination with a design or as part of a logo. Do not include non trademark matter in the drawing, such as informational matter which may appear on a label. In the end, the applicant must decide exactly what to register and in what form. The PTO considers the drawing controlling in determining exactly what mark the application covers.

3. FEES

Filing Fee

The **application filing fee** is **$245.00** for **each class** of goods or services listed. (See the International Classification of Goods and Services listed on the inside of the back cover.) **At least $245.00 must accompany the application, or the application will be denied a filing date and all the papers returned to the applicant.** Fee increases, when necessary, usually take effect on October 1 of any given year. Please call the general information number listed on page 4 for up-to-date fee information if filing after September 1995. The PTO receives no taxpayer funds. The PTO's operations are supported entirely from fees paid by applicants and registrants.

Additional Fees Related to Intent-To-Use Applications

In addition to the application filing fee, applicants filing based on a bona fide intention to use a mark in commerce must submit a fee of **$100.00** for **each class** of goods or services in the application when filing any of the following:

- an AMENDMENT TO ALLEGE USE
- a STATEMENT OF USE
- a REQUEST FOR AN EXTENSION OF TIME TO FILE A STATEMENT OF USE

Form of Payment

All payments must be made in United States currency, by check, post office money order or certified check. Personal or business checks may be submitted. Make checks and money orders payable to: **The Assistant Commissioner for Trademarks**.

NOTE: FEES ARE NOT REFUNDABLE.

4. SPECIMENS

The following information is designed to provide guidance regarding the specimens required to show use of the mark in commerce.

When to File the Specimens

If the applicant has already used the mark in commerce and files based on this use in commerce, then the applicant must submit **three specimens per class** showing use of the mark in commerce with the application. If, instead, the application is based on a bona fide intention to use mark in commerce, the applicant must submit **three specimens per class** at the time the applicant files either an AMENDMENT TO ALLEGE USE or a STATEMENT OF USE.

What to File as a Specimen

The specimens must be actual samples of how the mark is being used in commerce. **The specimens may be identical or they may be examples of three different uses showing the same mark.**

If the mark is used on **goods**, examples of acceptable specimens are tags or labels which are attached to the goods, containers for the goods, displays associated with the goods, or photographs of the goods showing use of the mark on the goods themselves. If it is impractical to send an actual specimen because of its size, photographs or other acceptable reproductions that show the mark on the goods, or packaging for the goods, must be furnished. Invoices, announcements, order forms, bills of lading, leaflets, brochures, catalogs, publicity releases, letterhead, and business cards generally are not acceptable specimens for goods.

If the mark is used for **services,** examples of acceptable specimens are signs, brochures about the services, advertisements for the services, business cards or stationery showing the mark in connection with the services, or photographs which show the mark either as it is used in the rendering or advertising of the services. In the case of a service mark, the specimens must either show the mark and include some clear reference to the type of services rendered under the mark in some form of advertising, or show the mark as it is used in the rendering of the service, for example on a store front or the side of a delivery or service truck.

Specimens may not be larger than 8½ inches by 11 inches (21.59 cm by 27.94 cm) and must be flat. See pages 18 through 22 for samples of some different types of specimens. Smaller specimens, such as labels, may be stapled to a sheet of paper and labeled "SPECIMENS." A separate sheet can be used for each class.

ADDITIONAL REQUIREMENTS FOR INTENT-TO-USE APPLICATIONS

An applicant who files its application based on having a bona fide intention to use a mark in commerce must make use of the mark in commerce before the mark can register. After use in commerce begins, the applicant must submit:

1. three specimens evidencing use as discussed above;
2. a fee of **$100.00** per class of goods or services in the application; and
3. **either** (1) an AMENDMENT TO ALLEGE USE if the application has not yet been approved for publication (use PTO Form 1579) **or** (2) a STATEMENT OF USE if the mark has been published and the PTO has issued a NOTICE OF ALLOWANCE (use PTO Form 1580).

If the applicant will not make use of the mark in commerce within six months of the NOTICE OF ALLOWANCE, **the applicant must file** a REQUEST FOR AN EXTENSION OF TIME TO FILE A STATEMENT OF USE, or the application is abandoned. (Use PTO Form 1581, which is intended only for this purpose.)

See the instructions and information on the back of the forms. The previous information about specimens, identifications of goods and services and dates of use is also relevant to filing an AMENDMENT TO ALLEGE USE or STATEMENT OF USE. Follow the instructions on these forms carefully. Failure to file the necessary papers in proper form within the time provided may result in abandonment of the application.

PATENT AND TRADEMARK OFFICE SERVICES

Trademark Assistance Center

In order to provide improved service to trademark applicants, registrants, and the general public, the Patent and Trademark Office has implemented a pilot program called the "Trademark Assistance Center." The Center provides general information about the trademark registration process and responds to inquiries pertaining to the status of specific trademark applications and registrations. The location of the Center is 2900 Crystal Drive, Room 4B10, Arlington, Virginia 22202-3513. Assistance may be obtained in-person or by dialing (703) 308-9000, Monday through Friday, 8:30 a.m. -5:00 p.m. eastern time, except holidays. Please note that personal assistance concerning trademark as well as patent matters will continue to be available at (703) 308-HELP and recorded information will continue to be available at (703) 557-INFO. Also, automated information about the status of trademark applications and registrations will continue to be available at (703) 305-8747.

Patent and Trademark Depository Libraries

The following libraries, designated as Patent and Trademark Depository Libraries (PTDLs) receive patent and trademark information in various formats from the U.S. Patent and Trademark Office. Many PTDLs have on file all full-text patents issued since 1790, trademarks published since 1872, and select collections of foreign patents. All PTDLs have both the patent and trademark sections of the *Official Gazette of the U.S. Patent and Trademark Office*. The full-text utility and design patents are distributed numerically on 16 mm microfilm, and plant patents on color microfiche. Patent and trademark search systems on CD-ROM format are available at all PTDLs to increase utilization of and enhance access to the information found in patents and trademarks. It is through the CD-ROM systems that preliminary patent and trademark searches can be conducted through the numerically arranged collections.

All information is available for use by the public free of charge. Facilities for making paper copies of patent and trademark information are generally provided for a fee.

State	Name of Library	Telephone Contact
Alabama	Auburn University Libraries	(205) 844-1747
	Birmingham Public Library	(205) 226-3620
Alaska	Anchorage: Z.J. Loussac Public Library	(907) 562-7323
Arizona	Tempe: Noble Library, Arizona State University	(602) 965-7010
Arkansas	Little Rock: Arkansas State Library	(501) 682-2053
California	Los Angeles Public Library	(213) 228-7220
	Sacramento: California State Library	(916) 654-0069
	San Diego Public Library	(619) 236-5813
	San Francisco Public Library	Not Yet Operational
	Sunny vale Patent Clearinghouse	(408) 730-7290
Colorado	Denver Public Library	(303) 640-8847
Connecticut	New Haven: Science Park Library	(203) 786-5447
Delaware	Newark: University of Delaware Library	(302) 831-2965
Dist. of Columbia	Washington: Howard University Libraries	(202) 806-7252
Florida	Fort Lauderdale: Broward County Main Library	(305) 357-7444
	Miami-Dade Public Library	(305) 375-2665
	Orlando: University of Central Florida Libraries	(407) 823-2562
	Tampa: Tampa Campus Library, University of South Florida	(813) 974-2726
Georgia	Atlanta: Price Gilbert Memorial Library, Georgia Institute of Technology	(404) 894-4508
Hawaii	Honolulu: Hawaii State Public Library System	(808) 586-3477
Idaho	Moscow: University of Idaho Library	(208) 885-6235
Illinois	Chicago Public Library	(312) 747-4450
	Springfield: Illinois State Library	(217) 782-5659
Indiana	Indianapolis-Marion County Public Library	(317) 269-1741
	West Lafayette: Purdue University Libraries	(317) 494-2873
Iowa	Des Moines: State Library of Iowa	(515) 281-4118
Kansas	Wichita: Ablah Library, Wichita State University	(316) 689-3155
Kentucky	Louisville Free Public Library	(502) 574-1611
Louisiana	Baton Rouge: Troy H. Middleton Library, Louisiana State University	(504) 388-2570
Maine	Orono: Raymond H. Fogler Library, University of Maine	Not Yet Operational
Maryland	College Park: Engineering and Physical Sciences Library, University of Maryland	(301) 405-9157
Massachusetts	Amherst: Physical Sciences Library, University of Massachusetts	(413) 545-1370
	Boston Public Library	(617) 536-5400 Ext. 265
Michigan	Ann Arbor: Engineering Transportation Library, University of Michigan	(313) 764-5298
	Big Rapids: Abigail S. Timme Library, Ferris State University	(616) 592-3602
	Detroit Public Library	(313) 833-1450
Minnesota	Minneapolis Public Library and Information Center	(612) 372-6570
Mississippi	Jackson: Mississippi Library Commission	(601) 359-1036
Missouri	Kansas City: Linda Hall Library	(816) 363-4600
	St. Louis Public Library	(314) 241-2288 Ext. 390
Montana	Butte: Montana College of Mineral Science and Technology Library	(406) 496-4281

Nebraska	Lincoln: Engineering Library, University of Nebraska-Lincoln	(402) 472-3411
Nevada	Reno: University of Nevada-Reno Library	(702) 784-6579
New Hampshire	Durham: University of New Hampshire Library	(603) 862-1777
New Jersey	Newark Public Library	(201) 733-7782
	Piscataway: Library of Science and Medicine, Rutgers University	(908) 445-2895
New Mexico	Albuquerque: University of New Mexico General Library	(505) 277-4412
New York	Albany: New York State Library	(518) 474-5355
	Buffalo and Erie County Public Library	(716) 858-7101
	New York Public Library (The Research Libraries)	(212) 930-0917
North Carolina	Raleigh: D.H. Hill Library, North Carolina State University	(919) 515-3280
North Dakota	Grand Forks: Chester Fritz Library, University of North Dakota	(701) 777-4888
Ohio	Cincinnati and Hamilton County, Public Library of	(513) 369-6936
	Cleveland Public Library	(216) 623-2870
	Columbus: Ohio State University Libraries	(614) 292-6175
	Toledo/Lucas County Public Library	(419) 259-5212
Oklahoma	Stillwater: Oklahoma State University Library	(405) 744-7086
Oregon	Salem: Oregon State Library	(503) 378-4239
Pennsylvania	Philadelphia, The Free Library of	(215) 686-5331
	Pittsburgh, Carnegie Library of	(412) 622-3138
	University Park: Pattee Library, Pennsylvania State University	(814) 865-4861
Rhode Island	Providence Public Library	(401) 455-8027
South Carolina	Charleston: Medical University of South Carolina Library	(803) 792-2372
	Clemson University Libraries	(803) 656-3024
South Dakota	Rapid City: Devereaux Library, South Dakota School of Mines and Technology	Not Yet Operational
Tennessee	Memphis & Shelby County Public Library and Information Center	(901) 725-8877
	Nashville: Stevenson Science Library, Vanderbilt University	(615) 322-2775
Texas	Austin: McKinney Engineering Library, University of Texas at Austin	(512) 495-4500
	College Station: Sterling C. Evans Library, Texas A & M University	(409) 845-3826
	Dallas Public Library	(214) 670-1468
	Houston: The Fondren Library, Rice University	(713) 527-8101 Ext. 2587
Utah	Salt Lake City: Marriott Library, University of Utah	(801) 581-8394
Virginia	Richmond: James Branch Cabell Library, Virginia Commonwealth University	(804) 828-1104
Washington	Seattle: Engineering Library, University of Washington	(206) 543-0740
West Virginia	Morgantown: Evansdale Library, West Virginia University	(304) 293-4510
Wisconsin	Madison: Kurt F. Wendt Library, University of Wisconsin Madison	(608) 262-6845
	Milwaukee Public Library	(414) 286-3247
Wyoming	Casper: Natrona County Public Library	Not Yet Operational

SAMPLE WRITTEN APPLICATION BASED ON USE IN COMMERCE
(Two classes)

TRADEMARK/SERVICE MARK APPLICATION, PRINCIPAL REGISTER, WITH DECLARATION	MARK (Word(s) and/or Design) 1 PINSTRIPES AND DESIGN	CLASS NO. 2 (If known) 16 & 35

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT'S NAME: Pinstripes Inc. 3

APPLICANT'S BUSINESS ADDRESS: (Display address exactly as it should appear on registration)
100 Main Street
Anytown, Missouri 12345 4

APPLICANT'S ENTITY TYPE: (Check one and supply requested information)

	Individual - Citizen of (Country):	5a
	Partnership - State where organized (Country, if appropriate): _____ Names and Citizenship (Country) of General Partners: _____	5b
X	Corporation - State (Country, if appropriate) of Incorporation: Missouri	5c
	Other (Specify Nature of Entity and Domicile):	5d

GOODS AND/OR SERVICES:

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods/services (SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE): 6
Magazines in the field of buisness management (Class 16); business management consulting services (Class 35)

BASIS FOR APPLICATION: (Check boxes which apply, but never both the first AND second boxes, and supply requested information related to each box checked.)

XX 7(a)	Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application. •Date of first use of the mark in commerce which the U.S. Congress may regulate (for example, interstate or between the U.S. and a foreign country): (Class 16) 1/15/92; (Class 35) 8/27/90 •Specify the type of commerce: Interstate (for example, interstate or between the U.S. and a specified foreign country) •Date of first use anywhere (the same as or before use in commerce date): Cl 16-1/15/92; Cl 35-8/27/90 •Specify manner or mode of use of mark on or in connection with the goods/services: On the magazines and in advertisements for the services (for example, trademark is applied to labels, service mark is used in advertisements)
[ ] 7(b)	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.) •Specify intended manner or mode of use of mark on or in connection with the goods/services: _____ (for example, trademark will be applied to labels, service mark will be used in advertisements)
[ ] 7(c)	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended. • Country of foreign filing: _____ • Date of foreign filing: _____
[ ] 7(d)	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services and, accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C. 1126(e), as amended. • Country of registration: _____ • Registration number: _____

NOTE: Declaration, on Reverse Side, MUST be Signed

and the like so made are
, and that such willful false
ulting registration, declares that
of the applicant; he/she believes
t to be registered, or, if the
pplicant to be entitled to use such
other person, firm, corporation, or
erce, either in the identical form
thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

January 16, 1992
DATE

John Doe Jr.
SIGNATURE

(123) 456-7890
TELEPHONE NUMBER

John Doe, Jr., President
PRINT OR TYPE NAME AND POSITION

SAMPLE WRITTEN APPLICATION
BASED ON INTENT TO USE IN COMMERCE
(One class)

TRADEMARK/SERVICE MARK APPLICATION, PRINCIPAL REGISTER, WITH DECLARATION	MARK (Word(s) and/or Design) 1 THEORYTEC	CLASS NO. 2 (If known) 9

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT'S NAME: A-OK Software Development Group 3

APPLICANT'S BUSINESS ADDRESS: 100 Main Street 4
(Display address exactly as it should appear on registration)
Anytown, Missouri 12345

APPLICANT'S ENTITY TYPE: (Check one and supply requested information)

	Individual - Citizen of (Country):	5a
X	Partnership - State where organized (Country, if appropriate): _____ Names and Citizenship (Country) of General Partners: Mary Baker, citizen of the USA; Harry Parker, citizen of the USA; and Jane Witlow, citizen of the USA	5b
	Corporation - State (Country, if appropriate) of Incorporation:	5c
	Other (Specify Nature of Entity and Domicile):	5d

GOODS AND/OR SERVICES:

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods/services (SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE): 6
Computer software for analyzing statistics

BASIS FOR APPLICATION: (Check boxes which apply, but never both the first AND second boxes, and supply requested information related to each box checked.)

[ ] 7(a)	Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application. •Date of first use of the mark in commerce which the U.S. Congress may regulate (for example, interstate or between the U.S. and a foreign country): _____ •Specify the type of commerce: _____ (for example, interstate or between the U.S. and a specified foreign country) •Date of first use anywhere (the same as or before use in commerce date): _____ •Specify manner or mode of use of mark on or in connection with the goods/services: _____ (for example, trademark is applied to labels, service mark is used in advertisements)
☒ 7(b)	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.) •Specify intended manner or mode of use of mark on or in connection with the goods/services: On labels affixed to the software (for example, trademark will be applied to labels, service mark will be used in advertisements)
[ ] 7(c)	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended. • Country of foreign filing: _____ • Date of foreign filing: _____
[ ] 7(d)	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services and, accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C. 1126(e), as amended. • Country of registration: _____ • Registration number: _____

NOTE: Declaration, on Reverse Side, MUST be Signed

and the like so made are
1, and that such willful false
sulting registration, declares that
of the applicant; he/she believes
it to be registered, or, if the
applicant to be entitled to use such
mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

February 2, 1992
DATE

Mary Baker
SIGNATURE

(123) 456-7890
TELEPHONE NUMBER

Mary Baker, General Partner
PRINT OR TYPE NAME AND POSITION

SAMPLE DRAWING - SPECIAL FORM

8½" x 11" (21.6 cm x 27.9 cm)

APPLICANT'S NAME: Pinstripes Inc.

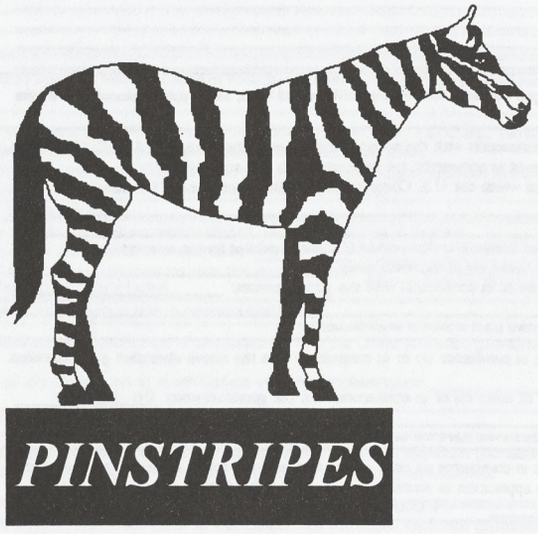
APPLICANT'S ADDRESS: 100 Main Street, Any town, MO 12345

GOODS AND SERVICES: Magazines in the field of business management; business management consulting services

FIRST USE: Magazines (Class 16) January 15, 1992
Consulting (Class 35) August 27, 1990

FIRST USE IN COMMERCE: Magazines (Class 16) January 15, 1992
Consulting (Class 35) August 27, 1990

DESIGN: A zebra



SAMPLE DRAWING - TYPEWRITTEN

8½" x 11" (21.6 cm x 27.9 cm)

APPLICANT'S NAME: A-OK Software Development Group

APPLICANT'S ADDRESS: 100 Main Street, Any town, MO 12345

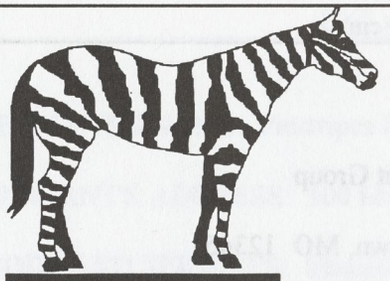
GOODS: Computer software for analyzing statistics.

DATE OF FIRST USE: Intent-to-Use Application

DATE OF FIRST USE IN COMMERCE: Intent-to-Use Application

THEORYTEC

SAMPLE SPECIMEN FOR GOODS (Issue of magazine)



PINSTRIPES

April - May 1992 $2.00

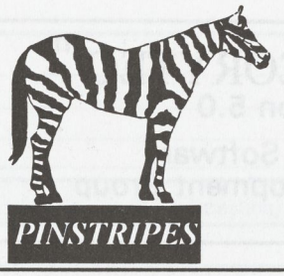
PINSTRIPES

"The Magazine for the Business Professional"

IN THIS ISSUE:

- **Managing business in tough times.**
- **The need for quality in everything redefines priorities.**
- **Managing turned inside out.**
- **Employee ideas can really count.**
- **Our business report on Washington, D.C.**
- **Working together to create new markets and new jobs.**
- **In business to stay.**
- **Investing feature: future outlook on futures.**
- **"Pinstripes forever" (our humor column).**

SAMPLE SPECIMEN FOR SERVICES (Advertisement)



If better business management solutions are what you're after, then think of **Pinstripes** for consulting. We'll come wherever you are to offer a wide range of consulting services for diverse industries, including high-tech fields. You'll like the results, as well as our competitive price.

The more you get to know us, the more you'll realize that we're a best choice for consulting that can make a big difference. Call or write us.

Pinstripes Inc.
(123) 456-7890 100 Main St., Any town, MO 12345

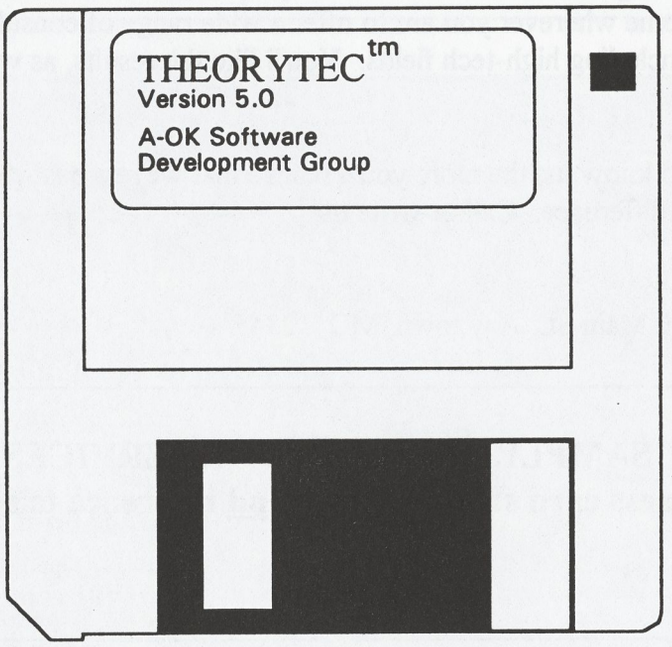
SAMPLE SPECIMEN FOR SERVICES
(Business card showing mark and reference to service)



Business Management Consultants
John Doe, President
100 Main Street
Any town, MO 12345 U.S.A.
(123) 456-7890

SAMPLE SPECIMENS FOR GOODS
(Label affixed to computer disc)

THEORYTEC[tm]
Version 5.0
A-OK Software
Development Group



TRADEMARK/SERVICE MARK APPLICATION, PRINCIPAL REGISTER, WITH DECLARATION	MARK (Word(s) and/or Design)	CLASS NO. (If known)

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

APPLICANT'S NAME:

APPLICANT'S BUSINESS ADDRESS: _____

(Display address exactly as it should appear on registration) _____

_____

_____

APPLICANT'S ENTITY TYPE: (**Check one** and supply requested information)

[ ] Individual - Citizen of (Country):

[ ] Partnership - State where organized (Country, if appropriate): _____

Names and Citizenship (Country) of General Partners: _____

_____

_____

[ ] Corporation - State (Country, if appropriate) of Incorporation:

[ ] Other (Specific Nature of Entity and Domicile):

GOODS AND/OR SERVICES:

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods/services **(SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE):**

_____

_____

_____

_____

_____

BASIS FOR APPLICATION: (Check boxes which apply, **but never both the first AND second boxes,** and supply requested information related to each box checked.)

[ ] Applicant is using mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application.

- Date of first use of the mark in commerce which the U.S. Congress may regulate (for example, interstate or between the U.S. and a foreign country): _____
- Specify the type of commerce: _____
  (for example, interstate or between the U.S. and a specified foreign country)
- Date of first use anywhere (the same as or before use in commerce date): _____
- Specify intended manner or mode of use of mark on or in connection with the goods/services: _____
  _____
  (for example, trademark is applied to labels, service mark is used in advertisements)

[ ] Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.)

- Specify manner or mode of use of mark on or in connection with the goods/services: _____
  _____
  (for example, trademark will be applied to labels, service mark will be used in advertisements)

[ ] Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.

- Country of foreign filing: _____
- Date of foreign filing: _____

[ ] Applicant has a bona fide intention to use the mark in commerce or in connection with the above identified goods/services, and, accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C 1126(e), as amended.

- Country of registration: _____
- Registration number: _____

NOTE: Declaration, on Reverse Side, MUST be Signed

If submitted on one page, side two of the form should be Upside Down" in relation to page 1.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application this application on behalf of the applicant; he/she believes the applicant to be owner of the trademark/service mark sought to be registered, or if the application is being files under 15 U.S.C. 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

DATE _____ SIGNATURE _____

TELEPHONE NUMBER _____ PRINT OR TYPE NAME _____

INSTRUCTIONS AND INFORMATION FOR APPLICANT

TO RECEIVE A FILING DATE, THE APPLICATION MUST BE COMPLETED AND SIGNED BY THE APPLICANT AND SUBMITTED ALONG WITH:

1. The prescribed **FEE of $245.00*** for each class of goods/services listed in the application;
2. A **DRAWING PAGE** displaying the mark in conformance with 37 CFR 2.52;
3. If the application is based on use of the mark in commerce, **THREE (3) SPECIMENS** (evidence) of the mark as used in commerce for each class of goods/services listed in the application. All three specimens may be in the nature of: (a) labels showing the mark which are placed on the goods; (b) photographs of the mark as it appears on the goods, (c) brochures or advertisements showing the mark as used in connection with the services.
4. An **APPLICATION WITH DECLARATION** (this form) - The application must be signed in order for the application to receive a filing date. Only the following person may sign the declaration, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of the corporate applicant; (c) one general partner of a partnership applicant; (d) all joint applicants.

SEND APPLICATION FORM, DRAWING PAGE, FEE AND SPECIMENS (IF APPROPRIATE) TO:

Assistant Commissioner for Trademarks
Box New App / Fee
2900 Crystal Drive
Arlington, VA 22202-3513

Additional information concerning the requirements for filing an application is available in a booklet entitled **Basic Facts About Registering a Trademark,** which may be obtained by writing to the above address or by calling: (703) 308-9000.

* Fees are subject to change; changes usually take effect on October 1. If filing on or after October 1, 1995, please call the PTO to confirm the correct fee.

This form is estimated to take an average of 1 hour to complete, including time required for reading and understanding instructions, gathering necessary information, recordkeeping, and actually providing the information. Any comments on this form, including the amount of time required to complete this form, should be sent to the Office of Management and Organizations, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231, and Paper Reduction Project 0651-0009, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Do NOT send completed forms to either of these addresses.

AMENDMENT TO ALLEGE USE UNDER 37 CFR 2.76, WITH DECLARATION	MARK (Identify the mark)
	SERIAL NO.

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

APPLICANT NAME:

Applicant requests registration of the above-identified trademarks/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended). Three specimens per class showing the mark as used in commerce are submitted with this amendment.

☐ Check here if Request to Divide under 37 C.F.R. 2.87 is being submitted with this amendment.

Applicant is using the mark in commerce on or in connection with the following goods/services:

_____

_____

(NOTE: Goods/Services listed above may not be broader than the goods/services identified in this application currently)

Date of first use of mark in commerce which the U.S. Congress may regulate: _____

Specify type of commerce: (e.g., interstate, between the U.S. and a specified foreign country) _____

_____

Date of first use anywhere: _____

(the same as or before use-in-commerce date)

Specify manner or mode of use of mark on or in connection with the goods/services: (e.g., trademark is applied to labels, service mark is used in advertisements) _____

_____

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Amendment to Allege Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; the trademark/service mark is now in use in commerce; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

_____ _____

Date Signature

_____ _____

Telephone Number Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

In an application based upon a bona fide intention to use a mark in commerce, applicant must use its mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with evidence of use (specimens) and the prescribed fee(s), **either**:

(1) an Amendment to Allege Use under 37 CFR 2.76, or
(2) a Statement of Use under 37 CFR 2.88.

The difference between these two filings is the timing of the filing. Applicant may file an Amendment to Allege Use before approval of the mark for publication for opposition in the **Official Gazette,** or, if a final refusal has been issued, prior to the expiration of the six-month response period. Otherwise, applicant must file a Statement of Use after the Office issues a Notice of Allowance. The Notice of Allowance will issue after the opposition period is completed if no successful opposition is filed. Neither Amendment to Allege Use or Statement of Use papers will be accepted by the Office during the period of time between approval of the mark for publication for opposition in the **Official Gazette** and the issuance of the Notice of Allowance.

Applicant may call (703) 305-8747 to determine whether the mark has been approved for publication for opposition in the **Official Gazette**.

Before filing an Amendment to Allege Use or a Statement of Use, applicant must use the mark in commerce on or in connection with **all** of the goods/services for which applicant will seek registration, **unless** applicant submits with the papers, a request to divide out from the application the goods or services to which the Amendment to Allege Use or Statement of Use pertains. (See: 37 CFR 2.87, Dividing an application)

Applicant **must** submit with an Amendment to Allege Use or a Statement of Use:

(1) the appropriate fee of $100.00* per class of goods/services listed in the Amendment to Allege Use or the Statement of Use, and
(2) three (3) specimens or facsimiles of the mark as used in commerce for each class of goods/services asserted (e.g., photograph of mark as it appears on goods, label containing mark which is placed on goods, or brochure or advertisement showing mark as used in connection with services).

Cautions/Notes concerning completion of this Amendment to Allege Use form:

(1) The goods/services identified in the Amendment to Allege Use must be identical to the goods/services identified in the application currently. Applicant may delete goods/services. Deleted goods/services may not be reinstated in the application at a later time.
(2) Applicant may list dates of use for only one item in each class of goods/services identified in the Statement of Use. However, applicant must have used the mark in commerce on all the goods/services in the class. Applicant must identify the particular item to which the dates apply.
(3) Only the following person may sign the verification of the Amendment to Allege Use, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

MAIL COMPLETED FORM TO:

ASSISTANT COMMISSIONER FOR TRADEMARKS
ATTN: AAU
2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513

*Fees are effective through 9/30/95 and subject to change, usually on October 1.

This form is estimated to take 15 minutes to complete including time required for reading and understanding instructions, gathering necessary information, record keeping and actually providing the information. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Do not send forms to either of these addresses.

STATEMENT OF USE UNDER 37 CFR 2.88, WITH DECLARATION	MARK (Identify the mark)
	SERIAL NO.

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

APPLICANT NAME:

NOTICE OF ALLOWANCE ISSUE DATE:

Applicant requests registration of the above-identified trademarks/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended). Three specimens per class showing the mark as used in commerce are submitted with this statement.

☐ Check here if a Request to Divide under 37 C.F.R. 2.87 is being submitted with this statement.

Applicant is using the mark in commerce on or in connection with the following goods/services: (Check One)

☐ Those goods/services identified in the Notice of Allowance in this application.

☐ Those goods/services identified in the Notice of Allowance in this application except: (Identify goods/services to be deleted from application) _____

_____

_____

Date of first use of mark in commerce which the U.S. Congress may regulate: _____

Specify type of commerce: (e.g., interstate, between the U.S. and a specified foreign country) _____

_____

Date of first use anywhere: _____

(the same as or before use-in-commerce date)

Specify manner or mode of use of mark on or in connection with the goods/services: (e.g., trademark is applied to labels, service mark is used in advertisements) _____

_____

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Statement of Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; the trademark/service mark is now in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

_____ _____

Date Signature

_____ _____

Telephone Number Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

In an application based upon a bona fide intention to use a mark in commerce, applicant must use its mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with evidence of use (specimens) and the prescribed fee(s), **either**:

(1) an Amendment to Allege Use under 37 CFR 2.76, or
(2) a Statement of Use under 37 CFR 2.88.

The difference between these two filings is the timing of the filing. Applicant may file an Amendment to Allege Use before approval of the mark for publication for opposition in the **Official Gazette,** or, if a final refusal has been issued, prior to the expiration of the six-month response period. Otherwise, applicant must file a Statement of Use after the Office issues a Notice of Allowance. The Notice of Allowance will issue after the opposition period is completed if no successful opposition is filed. Neither Amendment to Allege Use or Statement of Use papers will be accepted by the Office during the period of time between approval of the mark for publication for opposition in the **Official Gazette** and the issuance of the Notice of Allowance. Applicant may call (703) 305-8747 to determine whether the mark has been approved for publication for opposition in the **Official Gazette**.

Before filing an Amendment to Allege Use or a Statement of Use, applicant must use the mark in commerce on or in connection with **all** of the goods/services for which applicant will seek registration, **unless** applicant submits with the papers, a request to divide out from the application the goods or services to which the Amendment to Allege Use or Statement of Use pertains. (See: 37 CFR 2.87, Dividing an application)

Applicant **must** submit with an Amendment to Allege Use or a Statement of Use:

(1) the appropriate fee of $100.00* per class of goods/services listed in the Amendment to Allege Use or the Statement of Use, and
(2) three (3) specimens or facsimiles of the mark as used in commerce for each class of goods/services asserted (e.g., photograph of mark as it appears on goods, label containing mark which is placed on goods, or brochure or advertisement showing mark as used in connection with services).

Cautions/Notes concerning completion of this Statement of Use form:

(1) The statement of Use must be received in the PTO within six months of the mailing of the Notice of Allowance or within a granted extension period.
(2) The goods/services identified in the Statement of Use must be identical to the goods/services identified in the Notice of Allowance. Applicant may delete goods/services. Deleted goods/services may not be reinstated in the application at a later time.
(3) Applicant may list dates of use for only one item in each class of goods/services identified in the Statement of Use. However, applicant must have used the mark in commerce on all the goods/services in the class. Applicant must identify the particular item to which the dates apply.
(4) Only the following person may sign the verification of the Statement of Use, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

MAIL COMPLETED FORM TO:

ASSISTANT COMMISSIONER FOR TRADEMARKS
BOX ITU / FEE
2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513

*Fees are effective through 9/30/95 and subject to change, usually on October 1.

This form is estimated to take 15 minutes to complete including time required for reading and understanding instructions, gathering necessary information, record keeping and actually providing the information. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Do not send forms to either of these addresses.

REQUEST FOR EXTENSION OF TIME UNDER 37 CFR 2.89, TO FILE A STATEMENT OF USE, WITH DECLARATION	MARK (Identify the mark)
	SERIAL NO.

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

APPLICANT NAME:

NOTICE OF ALLOWANCE MAILING DATE:

Applicant requests a six-month extension of time to file the Statement of Use under 37 CFR 2.89 in this application.

☐ Check here if a Request to Divide under 37 C.F.R. 2.87 is being submitted with this request.

Applicant has a continued bona fide intention to use the mark in commerce on in connection with the following goods/services: (Check One below)

☐ Those goods/services identified in the Notice of Allowance in this application.

☐ Those goods/services identified in the Notice of Allowance in this application except: (Identify goods/services to be **deleted** from application) _____

_____

_____

This is the _____ request for an Extension of Time following mailing of the Notice of Allowance.
(Specify: First - Fifth)

If this is not the first request for an Extension of Time, check one box below. If the first box is checked explain the circumstance(s) of the non-use in the space provided:

☐ Applicant has not used the mark in commerce yet on all goods/services specified in the Notice of Allowance; however, applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of the goods/services specified above:

_____

_____

If additional space is needed, please attach a separate sheet to this form

☐ Applicant believes that it has made valid use of the mark in commerce, as evidenced by the Statement of Use submitted with this request; however, if the Statement of Use does not meet minimum requirements under 37 CFR 2.88(e), applicant will need additional time in which to file a new statement.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Request for an Extension of Time to File a Statement of Use on behalf of the applicant; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

_____ _____

Date Signature

_____ _____

Telephone Number Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

Applicant must file a Statement of Use within six months after the mailing of the Notice of Allowance in an application based upon a bona fide intention to use a mark in commerce, UNLESS, within that same period, applicant submits a request for a six-month extension of time to file the Statement of Use. The written request **must**:

(1) be received in the PTO within six months after the mailing of the Notice of Allowance,
(2) include applicant's verified statement of continued bona fide intention to use the mark in commerce,
(3) specify the goods/services to which the request pertains as they are identified in the Notice of Allowance, and
(4) include a fee of $100* for each class of goods/services.

Applicant may request four further six-month extensions of time. No extensions may extend beyond 36 months from the issue date of the Notice of Allowance. Each further request must be received in the PTO within the previously granted six-month extension period and must include, in addition to the above requirements, a showing of **GOOD CAUSE**. This good cause showing must include:

(1) applicant's statement that the mark has not been used in commerce yet on all the goods or services specified in the Notice of Allowance with which applicant has a continued bona fide intention to use the mark in commerce, **and**
(2) applicant's statement of ongoing efforts to make such use, which may include the following: (a) product or service research or development, (b) market research, (c) promotional activities, (d) steps to acquire distributors, (e) steps to obtain required governmental approval, or (f) similar specified activity.

Applicant may submit one additional six-month extension request during the existing period in which applicant files the Statement of Use, unless the granting of this request would extend the period beyond 36 months from the issue date of the Notice of Allowance. As a showing of good cause for such a request, applicant should state its belief that applicant has made valid use of the mark in commerce, as evidenced by the submitted Statement of Use, but that if the Statement is found by the PTO to be defective, applicant will need additional time in which to file a new statement of use.

Only the following person may sign the verification of the Request for Extension of Time, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

*Fees are effective through 9/30/95 and subject to change, usually on October 1.

MAILING INSTRUCTIONS

MAIL COMPLETED FORM TO:

ASSISTANT COMMISSIONER FOR TRADEMARKS
BOX ITU / FEE
2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3515

You can ensure timely filing of this form by following the procedure described in 37 CFR 1.10 as follows: (1) on or before the due date for filing this form, deposit the completed form with the U.S. Post Office using the "Express Mail Post Office to Addressee" Service; (2) include a certificate of "Express Mail" under 37 CFR 1.10. Papers properly mailed under 37 CFR 1.10 are considered received by the PTO on the date that they are deposited with the Post Office.

When placing the certificate directly on the correspondence, use the following language:

Certificate of Express Mail Under 37 CFR 1.10
"Express Mail" mailing label number: _____
Date of Deposit: _____
I hereby certify that this paper and fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

_____ _____
(Typed or printed name of person mailing paper & fee) (Signature of person mailing paper & fee)

This form is estimated to take 15 minutes to complete including time required for reading and understanding instructions, gathering necessary information, record keeping and actually providing the information. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Do not send forms to either of these addresses.

ISBN 0-16-045404-2



International schedule of classes of goods and services

Goods

1 Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

2 Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

3 Bleaching preparations and other substances for laundry use; cleaning polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4 Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

5 Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

6 Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

7 Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements; incubators for eggs.

8 Hand tools and implements (hand operated); cutlery; side arms; razors.

9 Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

10 Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

11 Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

12 Vehicles; apparatus for locomotion by land, air or water.

13 Firearms; ammunition and projectiles; explosives; fireworks.

14 Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.

15 Musical instruments.

16 Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); playing cards; printers' type; printing blocks.

17 Rubber, gutta-percha, gum asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

18 Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19 Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

20 Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics

21 Household or kitchen utensils and containers (not of precious metal or coatec therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

22 Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

23 Yarns and threads, for textile use.

24 Textiles and textile goods, not included in other classes; bed and table covers.

25 Clothing, footwear, headgear.

26 Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

27 Carpets, rugs, mates and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

28 Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

29 Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, james, fruit sauces; eggs, milk and milk products; edible oils and fats.

30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

31 Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.

32 Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

33 Alcoholic beverages (except beers).

34 Tobacco; smokers' articles; matches.

Services

35 Advertising; business management; business administration; office functions.

36 Insurance; financial affairs; monetary affairs; real estate affairs.

37 Building construction; repair; installation services.

38 Telecommunications.

39 Transport; packaging and storage of goods; travel arrangement.

40 Treatment of materials.

41 Education; providing of training; entertainment; sporting and cultural activities.

42 Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; services that cannot be placed in other classes.

U.S. Department of Commerce
Patent and Trademark Office
Washington, D.C. 20231

If Undelivered Return in Ten Days

Official Business
Penalty for Private Use, $300



POSTAGE AND FEES PAID
U.S. DEPARTMENT OF COMMERCE
COM-212

Filling Out Application Form TX

Detach and read these instructions before completing this form.
Make sure all applicable spaces have been filled in before you return this form.

BASIC INFORMATION

When to Use This Form: Use Form TX for registration of published or unpublished non-dramatic literary works, excluding periodicals or serial issues. This class includes a wide variety of works: fiction, nonfiction, poetry, textbooks, reference works, directories, catalogs, advertising copy, compilations of information, and computer programs. For periodicals and serials, use Form SE.

Deposit to Accompany Application: An application for copyright registration must be accompanied by a deposit consisting of copies or phonorecords representing the entire work for which registration is to be made. The following are the general deposit requirements as set forth in the statute:

Unpublished Work: Deposit one complete copy (or phonorecord).

Published Work: Deposit two complete copies (or one phonorecord) of the best edition.

Work First Published Outside the United States: Deposit one complete copy (or phonorecord) of the first foreign edition.

Contribution to a Collective Work: Deposit one complete copy (or phonorecord) of the best edition of the collective work.

The Copyright Notice: For works first published on or after March 1, 1989, the law provides that a copyright notice in a specified form "may be placed on all publicly distributed copies from which the work can be visually perceived." Use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from the Copyright Office. The required form of the notice for copies generally consists of three elements: (1) the symbol "©," or the word "Copyright," or the abbreviation "Copr."; (2) the year of first publication; and (3) the name of the owner of copyright. For example: "© 1993 Jane Cole." The notice is to be affixed to the copies "in such manner and location as to give reasonable notice of the claim of copyright." Works first published prior to March 1, 1989, **must** carry the notice or risk loss of copyright protection.

For information about notice requirements for works published before March 1, 1989, or other copyright information, write: Information Section, LM-401, Copyright Office, Library of Congress, Washington, D.C. 20559.

PRIVACY ACT ADVISORY STATEMENT
Required by the Privacy Act of 1974 (Public Law 93-579)

AUTHORITY FOR REQUESTING THIS INFORMATION:
- Title 17, U.S.C., Secs. 409 and 410

FURNISHING THE REQUESTED INFORMATION IS:
- Voluntary

BUT IF THE INFORMATION IS NOT FURNISHED:
- It may be necessary to delay or refuse registration
- You may not be entitled to certain relief, remedies, and benefits provided in chapters 4 and 5 of title 17, U.S.C.

PRINCIPAL USES OF REQUESTED INFORMATION:
- Establishment and maintenance of a public record
- Examination of the application for compliance with legal requirements

OTHER ROUTINE USES:
- Public inspection and copying
- Preparation of public indexes
- Preparation of public catalogs of copyright registrations
- Preparation of search reports upon request

NOTE:
- No other advisory statement will be given you in connection with this application
- Please keep this statement and refer to it if we communicate with you regarding this application

LINE-BY-LINE INSTRUCTIONS

Please type or print using black ink.

1 SPACE 1: Title

Title of This Work: Every work submitted for copyright registration must be given a title to identify that particular work. If the copies or phonorecords of the work bear a title or an identifying phrase that could serve as a title, transcribe that wording *completely* and *exactly* on the application. Indexing of the registration and future identification of the work will depend on the information you give here.

Previous or Alternative Titles: Complete this space if there are any additional titles for the work under which someone searching for the registration might be likely to look or under which a document pertaining to the work might be recorded.

Publication as a Contribution: If the work being registered is a contribution to a periodical, serial, or collection, give the title of the contribution in the "Title of this Work" space. Then, in the line headed "Publication as a Contribution," give information about the collective work in which the contribution appeared.

2 SPACE 2: Author(s)

General Instructions: After reading these instructions, decide who are the "authors" of this work for copyright purposes. Then, unless the work is a "collective work," give the requested information about every "author" who contributed any appreciable amount of copyrightable matter to this version of the work. If you need further space, request Continuation sheets. In the case of a collective work such as an anthology, collection of essays, or encyclopedia, give information about the author of the collective work as a whole.

Name of Author: The fullest form of the author's name should be given. Unless the work was "made for hire," the individual who actually created the work is its "author." In the case of a work made for hire, the statute provides that "the employer or other person for whom the work was prepared is considered the author."

What is a "Work Made for Hire"? A "work made for hire" is defined as (1) "a work prepared by an employee within the scope of his or her employment"; or (2) "a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the works shall be considered a work made for hire." If you have checked "Yes" to indicate that the work was "made for hire," you must give the full legal name of the employer (or other person for whom the work was prepared). You may also include the name of the employee along with the name of the employer (for example: "Elster Publishing Co., employer for hire of John Ferguson").

"Anonymous" or "Pseudonymous" Work: An author's contribution to a work is "anonymous" if that author is not identified on the copies or phonorecords of the work. An author's contribution to a work is "pseudonymous" if that author is identified on the copies or phonorecords under a fictitious name. If the work is "anonymous" you may: (1) leave the line blank; or (2) state "anonymous" on the line; or (3) reveal the author's identity. If the work is "pseudonymous" you may: (1) leave the line blank; or (2) give the pseudonym and identify it as such (for example: "Huntley Haverstock, pseudonym"); or (3) reveal the author's name, making clear which is the real name and which is the pseudonym (for example, "Judith Barton, whose pseudonym is Madeline Elster"). However, the citizenship or domicile of the author **must** be given in all cases.

Dates of Birth and Death: If the author is dead, the statute requires that the year of death be included in the application unless the work is anonymous or pseudonymous. The author's birth date is optional but is useful as a form of identification. Leave this space blank if the author's contribution was a "work made for hire."

Author's Nationality or Domicile: Give the country of which the author is a citizen or the country in which the author is domiciled. Nationality or domicile **must** be given in all cases.

Nature of Authorship: After the words "Nature of Authorship," give a brief general statement of the nature of this particular author's contribution to the work. Examples: "Entire text"; "Coauthor of entire text"; "Chapters 11-14"; "Editorial revisions"; "Compilation and English translation"; "New text."

3 SPACE 3: Creation and Publication

General Instructions: Do not confuse "creation" with "publication." Every application for copyright registration must state "the year in which creation of the work was completed." Give the date and nation of first publication only if the work has been published.

Creation: Under the statute, a work is "created" when it is fixed in a copy or phonorecord for the first time. Where a work has been prepared over a period of time, the part of the work existing in fixed form on a particular date constitutes the created work on that date. The date you give here should be the year in which the author completed the particular version for which registration is now being sought, even if other versions exist or if further changes or additions are planned.

Publication: The statute defines "publication" as "the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending"; a work is also "published" if there has been an "offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display." Give the full date (month, day, year) when, and the country where, publication first occurred. If first publication took place simultaneously in the United States and other countries, it is sufficient to state "U.S.A."

4 SPACE 4: Claimant(s)

Name(s) and Address(es) of Copyright Claimant(s): Give the name(s) and address(es) of the copyright claimant(s) in this work even if the claimant is the same as the author. Copyright in a work belongs initially to the author of the work (including, in the case of a work made for hire, the employer or other person for whom the work was prepared). The copyright claimant is either the author of the work or a person or organization to whom the copyright initially belonging to the author has been transferred.

Transfer: The statute provides that, if the copyright claimant is not the author, the application for registration must contain "a brief statement of how the claimant obtained ownership of the copyright." If any copyright claimant named in space 4 is not an author named in space 2, give a brief statement explaining how the claimant(s) obtained ownership of the copyright. Examples: "By written contract"; "Transfer of all rights by author"; "Assignment"; "By will." Do not attach transfer documents or other attachments or riders.

5 SPACE 5: Previous Registration

General Instructions: The questions in space 5 are intended to show whether an earlier registration has been made for this work and, if so, whether there is any basis for a new registration. As a general rule, only one basic copyright registration can be made for the same version of a particular work.

Same Version: If this version is substantially the same as the work covered by a previous registration, a second registration is not generally possible unless: (1) the work has been registered in unpublished form and a second registration is now being sought to cover this first published edition; or (2) someone other than the author is identified as copyright claimant in the earlier registration, and the author is now seeking registration in his or her own name. If either of these two exceptions apply, check the appropriate box and give the earlier registration number and date. Otherwise, do not submit Form TX; instead, write the Copyright Office for information about supplementary registration or recordation of transfers of copyright ownership.

Changed Version: If the work has been changed and you are now seeking registration to cover the additions or revisions, check the last box in space 5, give the earlier registration number and date, and complete both parts of space 6 in accordance with the instructions below.

Previous Registration Number and Date: If more than one previous registration has been made for the work, give the number and date of the latest registration.

6 SPACE 6: Derivative Work or Compilation

General Instructions: Complete space 6 if this work is a "changed version," "compilation," or "derivative work" and if it incorporates one or more earlier works that have already been published or registered for copyright or that have fallen into the public domain. A "compilation" is defined as "a work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship." A "derivative work" is "a work based on one or more preexisting works." Examples of derivative works include translations, fictionalizations, abridgments, condensations, or "any other form in which a work may be recast, transformed, or adapted." Derivative works also include works "consisting of editorial revisions, annotations, or other modifications" if these changes, as a whole, represent an original work of authorship.

Preexisting Material (space 6a): For derivative works, complete this space **and** space 6b. In space 6a identify the preexisting work that has been recast, transformed, or adapted. An example of preexisting material might be: "Russian version of Goncharov's 'Oblomov'." Do not complete space 6a for compilations.

Material Added to This Work (space 6b): Give a brief, general statement of the new material covered by the copyright claim for which registration is sought. **Derivative work** examples include: "Foreword, editing, critical annotations"; "Translation"; "Chapters 11-17." If the work is a **compilation**, describe both the compilation itself and the material that has been compiled. Example: "Compilation of certain 1917 Speeches by Woodrow Wilson." A work may be both a derivative work and compilation, in which case a sample statement might be: "Compilation and additional new material."

7 SPACE 7: Manufacturing Provisions

Due to the expiration of the Manufacturing Clause of the copyright law on June 30, 1986, this space has been deleted.

8 SPACE 8: Reproduction for Use of Blind or Physically Handicapped Individuals

General Instructions: One of the major programs of the Library of Congress is to provide Braille editions and special recordings of works for the exclusive use of the blind and physically handicapped. In an effort to simplify and speed up the copyright licensing procedures that are a necessary part of this program, section 710 of the copyright statute provides for the establishment of a voluntary licensing system to be tied in with copyright registration. Copyright Office regulations provide that you may grant a license for such reproduction and distribution solely for the use of persons who are certified by competent authority as unable to read normal printed material as a result of physical limitations. The license is entirely voluntary, nonexclusive, and may be terminated upon 90 days notice.

How to Grant the License: If you wish to grant it, check one of the three boxes in space 8. Your check in one of these boxes together with your signature in space 10 will mean that the Library of Congress can proceed to reproduce and distribute under the license without further paperwork. For further information, write for Circular 63.

9,10,11 SPACE 9,10,11: Fee, Correspondence, Certification, Return Address

Fee: The Copyright Office has the authority to adjust fees at 5-year intervals, based on changes in the Consumer Price Index. The next adjustment is due in 1996. Please contact the Copyright Office after July 1995 to determine the actual fee schedule.

Deposit Account: If you maintain a Deposit Account in the Copyright Office, identify it in space 9. Otherwise leave the space blank and send the fee of $20 with your application and deposit.

Correspondence (space 9) This space should contain the name, address, area code, and telephone number of the person to be consulted if correspondence about this application becomes necessary.

Certification (space 10): The application can not be accepted unless it bears the date and the **handwritten signature** of the author or other copyright claimant, or of the owner of exclusive right(s), or of the duly authorized agent of author, claimant, or owner of exclusive right(s).

Address for Return of Certificate (space 11): The address box must be completed legibly since the certificate will be returned in a window envelope.

FORM TX

For a Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX TXU

EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. **Title of Collective Work** ▼

If published in a periodical or serial give: **Volume** ▼ **Number** ▼ **Issue Date** ▼ **On Pages** ▼

2 a NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR { Citizen of ▶ _____
Domiciled in ▶ _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

b NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR { Citizen of ▶ _____
Domiciled in ▶ _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

c NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR { Citizen of ▶ _____
Domiciled in ▶ _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NOTE
Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

This information must be given in all cases.

_____ ◀ Year

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month ▶ _____ Day ▶ _____ Year ▶ _____

_____ ◀ Nation

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

See instructions before completing this space.

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

DO NOT WRITE HERE OFFICE USE ONLY

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-11) on the reverse side of this page. • See detailed instructions. • Sign the form at line 10.

DO NOT WRITE HERE

EXAMINED BY

CHECKED BY

FORM TX

☐ CORRESPONDENCE Yes

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ **Yes** ☐ **No** If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: **Previous Registration Number** ▼ **Year of Registration** ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

6

See instructions before completing this space.

—space deleted—

7

REPRODUCTION FOR USE OF BLIND OR PHYSICALLY HANDICAPPED INDIVIDUALS A signature on this form at space 10 and a check in one of the boxes here in space 8 constitutes a non-exclusive grant of permission to the Library of Congress to reproduce and distribute solely for the blind and physically handicapped and under the conditions and limitations prescribed by the regulations of the Copyright Office: (1) copies of the work identified in space 1 of this application in Braille (or similar tactile symbols); or (2) phonorecords embodying a fixation of a reading of that work; or (3) both.

8

a ☐ Copies and Phonorecords **b** ☐ Copies Only **c** ☐ Phonorecords Only

See instructions.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼ **Account Number** ▼

9

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

Area Code and Telephone Number ▶

Be sure to give your daytime phone number ◀

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ▶

- ☐ author
- ☐ other copyright claimant
- ☐ owner of exclusive right(s)
- ☐ authorized agent of _____

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

10

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

date ▶

Handwritten signature (X) ▼

MAIL CERTIFICATE TO

Name ▼

Number/Street/Apartment Number ▼

City/State/ZIP ▼

Certificate will be mailed in window envelope

YOU MUST:
- Complete all necessary spaces
- Sign your application in space 10

SEND ALL 3 ELEMENTS IN THE SAME PACKAGE:
1. Application form
2. Nonrefundable $20 filing fee in check or money order payable to *Register of Copyrights*
3. Deposit material

MAIL TO:
Register of Copyrights
Library of Congress
Washington, D.C. 20559-6000

11

The Copyright Office has the authority to adjust fees at 5-year intervals, based on changes in the Consumer Price Index. The next adjustment is due in 1996. Please contact the Copyright Office after July 1995 to determine the actual fee schedule.

*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than $2,500.

July 1993—300,000 PRINTED ON RECYCLED PAPER ☆U.S. GOVERNMENT PRINTING OFFICE: 1993-342-582/80,019

Federation of Fly Fishers

in appreciation

for participating in

Fly Tying Demonstrations

International Fly Fishing Show/Conclave

Grand Rapids, Michigan

to

Sylvester Nemes

Tom Jindra
President

Chris Helm
IFFS/Conclave '97 Chair

and archives may and may not do, we recommend reviewing Section 108 of the Revised Copyright Act of 1976.

Just what is permissible for reproduction for individual use by a copying machine, tape recorder, and video recorder is a highly complicated subject. A court case, for example, ruled that it is not a copyright infringement to copy a television program for private use for the purpose of time translation. In other words, if, for convenience purposes, an individual recorded a television program so that it could be viewed at another time, this would not constitute a copyright infringement. The court, however, did not address the question of whether a copy could be used to build an individual's private collection.

We realize that there might be many unanswered questions not covered in this text concerning the copying of works of jukeboxes, cable television, and so on. If you are in a field that concerns such works, we suggest you consult with knowledgeable people within your industry and an attorney.

DURATION OF COPYRIGHT

In general, copyright in a work created on or after January 1, 1978, subsists from its creation and endures for a term consisting of the life of the author and 50 years after the author's death. In the case of a joint work prepared by two or more authors who did not work for hire, the copyright would continue for 50 years following the last surviving author's death. In the case of anonymous works, pseudonymous works, and works made for hire, the copyright endures for a term of 75 years of its first publication, or a term of 100 years from its creation, whichever expires first. The term of such copyright runs to the end of the calendar year in which it would otherwise expire.

Prior to January 1, 1978, the duration of a copyright for a published work was 28 years, starting with its first publication date. It could also be renewed for another 28-year term. Since the Revised Copyright Act of 1976, there have been certain formulas pertaining to previous works that modify the rights in works created before January 1, 1978. Since this book is focused on people who want information pertaining to new work, we will not delve into the complicated laws that apply to copyrighted law before the present act. Prior to the 1976 Act, while Congress was considering the new statute, it extended the old copyrights, year by year, that were due to expire, and

created a great deal of complication. Though we will not cover copyright law regarding these works, if you have an interest in knowing what still remains copyrighted for the purpose of avoiding copyright infringement, we suggest that you consult an attorney on the specific work in question. Interestingly, the present statute that extended copyright protection to the life of the owner(s) plus 50 years is consistent with other countries and existing copyright treaties entered into by the United States.

COPYRIGHT INFRINGEMENT

Earlier in this chapter, we explained that the originality of a work does not have to be very substantial in order to be copyrighted. There is a thin line between what constitutes the public domain and private property in copyright law. Anyone can generally copy such stock elements as plot, theme, and setting—it is the specific form or language by which the work is presented that provides original treatment. As previously stated, nobody can have a monopoly on a subject for a book or a painting. It is the manner of expression that is at issue when copyright infringement is discussed.

The manner of the infringement is also at issue. For example, dramatic works cannot be performed in public without the copyright owner's consent, yet there is more leeway for musical compositions, since if the rule for dramatic works were applied, it would prohibit whistling a tune in public. Musical works must not be performed "for profit" without the copyright owner's consent. Under the Copyright Act, "for profit" would include music played in café orchestras or piped into a hotel elevator. As pointed out under the "Fair Use" section of this chapter, infringement also depends on how much and how the copyrighted work is used, and who uses it. Renting software or phonorecords may also be an infringement. In many situations, there is no absolute test to determine if infringement exists. If you think somebody is infringing on your work, it is up to you to stop the person. As in the case of patents, there is no regulatory agency to do it for you.

The Copyright Act offers certain remedies when the rights of a registered copyright are infringed. First, the court may grant temporary and final injunctions anywhere in the United States on such terms that it deems reasonable to prevent or restrain infringement of a copyright. The court may also order

tive works as compilations, abridgments, adaptations, dramatizations, and translations all require original effort and are copyrightable in their own right. Keep in mind, however, that if a derivative work is based on copyrighted material, it is necessary to obtain the copyright owner's consent for the derivative work to be copyrightable and publishable. This means that a writer must obtain permission to alter the copyrighted work of another writer, such as Stephen King or James Michener; without such permission, he or she is a copyright infringer.

A person can divide up and transfer rights to a work in any way he or she chooses. Some rights may be sold, and subsequently, other rights in the same work may be sold to another party. An author may sell audio, video, and foreign rights, to name a few. The ownership of a copyright may be transferred in whole or in part by any written means of conveyance or by operation by law, and may be bequeathed by will or pass as personal property by the applicable laws regulating the transfer of the property of a deceased person.

FAIR USE

Although a copyright owner has certain exclusive rights, there are some limitations that Congress has imposed that are referred to as "fair use." For years, the courts have discussed whether certain kinds of copying of copyrighted works should be permitted. Under some circumstances, copying is believed to be socially desirable and yet not unfair to the copyright owner. This is true because the benefits to society as a whole outweigh the relatively small amount of potential harm to the copyright owner. The revised act now provides guidelines for what kinds of uses are considered fair. This means that there is room for flexibility in every case to determine the effect a particular use may have on the rights of a copyright owner. Of course, whenever a question of fairness arises, everyone may have a different idea of what actually constitutes being fair, but the following criteria are what the court looks at to make a decision:

1. The purpose and character of the use, including whether such use has a commercial nature or is for nonprofit educational purposes. The court will allow more leeway when somebody is not using the work for economic gain.
2. The nature of the copyrighted work. There is less chance to use a work with only entertainment value versus something with social benefit. If the nature of the work is educational or intellectual, such as a political debate or a learned treatise, it is more likely to be considered fair use.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole. It may be permissible to take some parts of the other person's work, but not too much. Obviously, the larger the excerpt used, the greater the risk of copyright infringement.
4. The effect of the use on the potential market for, or value of, the copyrighted work. Here the question is, "How much damage in lost business will the copyright owner suffer as a consequence of somebody using the work to distract from sales?" Of course, sometimes, it actually helps the sale when the work has been quoted in another publication and/or different media. With this in mind, the courts might be more lenient when something is taken from an out-of-print book.

When fair use is being evaluated, the above four factors should always be considered. A finding with respect to each factor is taken into consideration and weighed against the findings for the others, keeping in mind the particular right being exercised. Still, the fact that one unfavorable finding exists does not automatically rule out fair use; in each case, it is the net effect of all the findings that controls the decision, since the Act does not require any one factor be given more weight than the others.

In determining fair use, it is important to view the purpose and character of the copyrighted work. For example, when weighing the use of a work, the commercial or nonprofit educational character of a use must be considered. Note, however, that this is not to suggest that fair use will be found only for nonprofit purposes or that fair use will be found in every case when there are nonprofit purposes.

When discussing fair use of a copyrighted work, the subject of reproduction is also an important issue. For instance, it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce no more than one copy or phonorecord of a work, or to distribute such copy or phonorecord if the following conditions are met: (1) there is no commercial advantage, (2) the collections of the library or archives are open to the public, and (3) the reproduction of the work includes a notice of copyright. For more information regarding what a library