



# ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559

## NOTICE OF PUBLIC HEARING

### REGISTRATION AND DEPOSIT OF COMPUTER SCREEN DISPLAYS; PUBLIC HEARING

The following excerpt is taken from Volume 52, Number 145 of the Federal Register for Wednesday, July 29, 1987 (pp. 28311-28312)

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**LIBRARY OF CONGRESS****Copyright Office****37 CFR Part 202****[Docket RM 87-4]****Registration and Deposit of Computer Screen Displays; Public Hearing****AGENCY:** Copyright Office, Library of Congress.**ACTION:** Notice of public hearing.

**SUMMARY:** This notice is issued to inform the public that the Copyright Office of the Library of Congress is reviewing its registration and deposit practices for computer screen displays. The Office will examine current policies and practices, and will specifically consider two questions: first, whether or not the Office should register any screen displays separately from the underlying computer programs that generate them; and, second, what the Office should require as the deposit if any registration is made for screen displays either separately or as part of a computer program. This notice invites participation in a public hearing intended to elicit comments, views, and information that will assist the Office in this review of its registration procedures. Written comments are also solicited. The Office particularly invites comment from or participation by computer programming experts and professors of law and computer science.

**DATES:** The hearing will be held on September 9, 1987 in Washington, DC. Anyone desiring to testify should

contact the Office of the General Counsel, Copyright Office at (202) 287-8380 by August 28, 1987. Ten copies of written statements should be submitted to the Copyright Office by 4:00 p.m. on September 4, 1987, if possible, and in any case no later than September 9, 1987. Written comments are also invited by October 9, 1987, from persons who do not wish to testify.

**ADDRESSES:** Hearing location: The hearing will be held on September 9, 1987 in the Mumford Room of the James Madison Memorial Building, LM-649, sixth floor, Library of Congress, First and Independence Avenue, SE., Washington, DC, beginning at 9:30 a.m.

Ten copies of written statements, supplementary statements, or comments should be submitted as follows:

If sent by mail: Library of Congress, Department 100, Washington, DC 20540.

If delivered by hand: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room 407, First and Independence Avenue, SE., Washington, DC.

All requests to testify should clearly identify the individual or group desiring to testify.

**FOR FURTHER INFORMATION CONTACT:** Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20559, (202) 287-8380.

**SUPPLEMENTARY INFORMATION:** Original computer programs are works of authorship protected by copyright, whether they are in high level computer language (source code) or machine language (object code), *Williams Electronics, Inc. v. Artic International, Inc.*, 685 F.2d 870 (3d Cir. 1982); and, since 1964, the Copyright Office has

registered computer programs as literary works. Section 101 of the Copyright Act of 1976, title 17 of the United States Code, defines a computer program as "a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result." Copyright registration is made for original computer programs in the literary work classification upon submission of an appropriate application, fee, and deposit copies identifying the work. In general, the first 25 pages or the equivalent and the last 25 pages or the equivalent of computer source code should be deposited in seeking registration. 37 CFR 202.20(c)(2)(vii).

The Copyright Act also provides that "[i]n 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." 17 U.S.C. 102(b).

The courts have held in several videogame cases that pictorial and graphic screen displays can be copyrighted as audiovisual works, independently of the computer program that generates them. *M. Kramer Manufacturing Co., Inc. v. Andrews*, 783 F.2d 421 (4th Cir. 1986); *Williams Electronics, Inc. v. Artic International, Inc.*, 685 F.2d 870 (3d Cir. 1982); *Stern Electronics, Inc. v. Kaufman*, 669 F.2d 852 (2d Cir. 1982).

Consistent with these videogame precedents, the Copyright Office has registered separately pictorial screen displays that meet the ordinary standard of original, creative authorship. Under