



ANNOUNCEMENT

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

FINAL REGULATIONS

REGISTRATION OF CLAIMS TO COPYRIGHT REGISTRATION AND DEPOSIT OF DATABASES

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37 CFR Part 202

[Docket RM 85-4B]

Registration of Claims to Copyright Registration and Deposit of Databases

AGENCY: Copyright Office, Library of Congress.

ACTION: Final regulations.

SUMMARY: The Copyright Office of the Library of Congress issues this notice to inform the public that it is adopting final regulations permitting group registration of an automated database and its updates or other revisions, and implementing deposit requirements in connection with their registration, under Section 408 of the Copyright Act of 1976. This section authorizes the Register of Copyrights to prescribe rules for administrative classification and deposit requirements for copyright registration. Pursuant thereto, this regulation specifies conditions under which a single automated database, together with its updates and other revisions may be registered on a single application with a single deposit and fee even though the database and its revised versions have been published at different times.

EFFECTIVE DATE: March 31, 1989.

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SUPPLEMENTARY INFORMATION:

1. Background

Under the Copyright Act of 1976, Title 17, U.S. Code, copyright may ordinarily

subsist in an automated database either as an original compilation or as some other original work of authorship. Automated databases provide special problems for copyright deposit and examination, however, because many of them are constantly changing or the updates or other revisions may consist of small increments of information. To the extent that the basic database and the revisions are copyrightable, questions arise as to how best to register the claims.

Current regulations allow the claimant to determine how frequently to register updates and other revisions of databases, but they do not allow grouping of separately published revised versions on a single registration. Special relief provisions already provide some flexibility in deposit requirements and those provisions continue to be available to automated database registrants. 37 CFR 202.20(d); see H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. 151 (1976). Specific regulations for machine-readable databases are provided in 37 CFR 202.20(c)(2)(vii)(B).

The Copyright Act of 1976 encourages registration by conferring benefits on the claimant. Registration is a prerequisite to suit, 17 U.S.C. 411(a);¹ if the registration is made before publication or within five years of first publication, the certificate of registration is prima facie evidence of the facts it states and of the validity of the copyright, 17 U.S.C. 410(c), and by registering the work within three months of publication, the copyright owner reserves the right to claim statutory damages and discretionary counsel fees. 17 U.S.C. 412.

Pursuant to 17 U.S.C. 103, "copyright in a compilation or derivative work

extends only to the material contributed by the author of such work, as distinguished from the preexisting material employed in the work, and does not imply any exclusive right in the preexisting material." The Copyright Act requires special information in connection with registration of such works.

Section 408 of the Copyright Act requires deposit of material in connection with applications for copyright registration of unpublished and published works. Subsection 408 (c)(1) authorizes the Register of Copyrights to specify classes into which works may be placed for purposes of deposit and registration. One of the alternatives is "a single registration for a group of related works."

When the Copyright Office issued initial deposit regulations under the 1976 general revision of the copyright law, several comments requested provisions for group registration of revisions and updates of automated databases. 43 FR 763 (Jan. 4, 1978). At that time the Office invited further comments and suggestions as to the type of related works that could be covered by group registration and the deposit and registration requirements applicable in those cases. In 43 FR 965 (January 5, 1978), however, the Office "reserved for implementation in a separate proceeding the possibility of providing for 'a single registration for a group of related works' under paragraph (c)(1) of section 408." The allowance for group registration, except for certain published contributions to periodicals, 17 U.S.C. 408(c)(2), is discretionary with the Copyright Office, and the Office heretofore has elected not to exercise this discretionary authority.

¹ Registration will no longer be a prerequisite to suit for Berne Convention works whose country of origin is not the United States, effective March 1, 1989. Pub. L. 100-568, 102 Stat. 2853 (October 31, 1988).

On February 14, 1985, (50 FR 6208), the Copyright Office requested public comment on proposed amendments to the regulations governing deposit. In response to this general request, the Association of American Publishers (AAP) and the Information Industry Association (IIA) commented specifically on the deposit and registration of databases. AAP suggested that the Copyright Office develop regulations to meet the problems of deposit for dynamic databases subject to regular revision, expansion, or other change. AAP proposed regulations that would permit a single "group" registration for varying versions (enhancements, updates, and other modifications) of a database, and related databases, published within a twelve month period or any lesser period within twelve months, on the basis of a single deposit and application. AAP also proposed that the Copyright Office accept for deposit reasonable portions of output, rather than 'raw data' or the like, and that generally, deposit requirements for successive or single group registrations of revised databases should be diminished.

IIA also urged the addition of a new regulation that would permit group registration of databases, under certain conditions. The group registration would require that works have the same copyright claimant, the same general title, and similar general content, including subject and organization. IIA proposed that if the works are published, each must bear a separate copyright notice as first published and have the same copyright owner, and the work or works must be first published within three months before registration. This organization suggested that since a deposit for databases would not show the full extent of the registration or the entirety of the work, the Copyright Office should accept relevant evidence for the examination of authorship. Such evidence might be documentary evidence of the continuing process of creation, hard copy extracts (for example, the first and last 25 pages), and the same direct online access as is offered the customer. Finally, IIA advocated the use of special relief that would allow the Register of Copyrights to "permit the deposit of identifying material which does not comply with § 202.21 of the regulations."

On June 10, 1985 (50 FR 24240), the Copyright Office published a Notice of Inquiry inviting public comment on the feasibility of a single group registration for databases, deposit based on reasonable portions of output, and deposit based on description of content and its relation to prior deposits. Additionally, the Office invited public comment specifically on the recommendations made by IIA and

AAP.

In response to comments received regarding that notice, the Office, on October 5, 1987 (52 FR 37167), proposed regulations providing for single group registration for automated databases with deposit based on reasonable portions of output. The Office received fourteen comments in response to its proposed rulemaking. After careful consideration, we have decided to implement in final form the provision for group registration, § 202.3(b)(4), and to amend for purposes of clarification the deposit provisions in connection with group registration at § 202.20(c)(2)(vii).

All of the commentators supported the decision to provide for group registration of automated databases, including their revised versions, however, most commentators disagreed with two specific requirements in the Office's proposed procedures for making such registrations. The IIA submitted the most detailed comments, which, for the most part, incorporated the recommendations made by other commentators, six of whom expressly endorsed the IIA's position. In issuing this regulation, we reconfirm and incorporate the rationale stated in the proposed regulation regarding the experimental nature of regulations to implement the discretionary authority for group registration. Additionally, we discuss below the comments received in response to the proposed rule.

2. Identification of New Material

Under 17 U.S.C. 408(c)(1), the Register of Copyrights is authorized "to specify by regulation the administrative classes into which works are to be placed for purposes of deposit and registration. * * * The regulations may require or permit * * * a single registration for a group of related works." Thus, the Copyright Office proposed group registration of automated databases as a special and discretionary provision. These deposit regulations provide that the applicant identify the original authorship in which copyright is being claimed in a revised database by marking the deposit. Specifically, the identifying portions must be "marked to disclose the copyrightable revision added on at least one representative publication * * * or * * * creation date" and be accompanied by a descriptive statement that identifies the location within the database where the copyrightable changes may be found.

IIA and nine other commentators objected to this requirement. Three other proprietors, and one database user, however, supported adoption of the regulations without challenging the marking feature.

Most commentators who opposed the requirement of marking the deposit and identifying the location of changes did so on the grounds that the requirements

are too burdensome and that automated databases are not distinguishable from other databases. Therefore, they should not be subject to different registration requirements from other works. They point out that registration regulations for other derivative works do not require marking or locating the changes. Additionally, some commentators state that publishers would be required to devote substantial staff resources to the preparation of a deposit.

Electronic Data Systems Corporation (EDS), the sole comment representing a database user, considered the Office's effort in assuring that identifying portions adequately disclose the copyrightable content of the changes a critical factor in the proposed regulations. "This is a key provision both in your comments and in your proposed regulations. What changes really were made to justify the updated copyright and [are] those noted with enough specificity that it would be easy for the Copyright Office to distinguish between databases submitted at different times?" This comment indicates that the biggest problem for the user is determining what data is covered by copyright and what is not.

Recognition of the special nature of automated databases moved the Copyright Office in its 1978 regulations to establish a more liberal form of deposit for such works: i.e., databases were exempted from the complete copy requirement and allowed to deposit the equivalent of 50 pages. Group registration represents another liberalization in special recognition of registration and deposit problems unique to automated databases. In limiting this proposal exclusively to online automated databases, both published and unpublished, the Office considered their unique nature—the size of databases, their periodic revision, and the dissemination of the work in machine-readable format.

The effect of these regulations is to significantly liberalize the registration requirements for a large group of published works, heretofore registrable only with a separate deposit, application and fee for each separately published version. Under the proposed regulations, the applicant may submit one deposit where previously as many as ninety deposits, with as many accompanying applications and fees, might have been required to register the same copyrightable content.

In explaining the proposed regulation, we found that sufficient factors such as size, complexity and technological characteristics exist to distinguish the automated database from other groups of related works and that these factors justify group registration for automated databases under a certain set of facts, at least on an experimental basis. In

general, one salient technological characteristic is the rapidly changing content of databases.

In light of these factors, it is unrealistic to expect the Copyright Office to treat databases exactly the same as other derivative works, although the Office sees more equivalency in the procedures than some commentators. The requirements that have been criticized were designed to alleviate some of the burdens of examining a group of works based on a single application and deposit. They are also responsive to the unique nature of automated databases: frequent updates; incremental changes, which are sometimes minor; the absence of a hard-copy record of the changes in general; and the tendency to commingle copyrightable and uncopyrightable matter. Moreover, the Office must consider not only its own administrative burdens, but also its obligation to identify the work being claimed and to establish an adequate public record for the benefit of the courts and in the general public interest. Given the strong presumption of copyright validity that attaches to registered works, it is incorrect to argue that defects in the registration record harm only the proprietor-plaintiff.

As a second major point in support of its objection to marking and locating the revised material, IIA contends that such individual marking would not necessarily reveal copyrightable material. In addition to the overall general support for the IIA position expressed by other commentators, the AAP and Dunn and Bradstreet also expressly objected to the marking requirement for this reason.

The proposed registration calls for the disclosure of revisions that would be registrable under the standards applicable to all other periodically revised works—that is, revisions that as a whole constitute an original work of authorship and entitle the work to registration.

Examination of the work to determine whether it constitutes copyrightable subject matter is the principal responsibility of the Copyright Office in making registration of claims to copyright. 17 U.S.C. 410(a). Most of the other material allegations to support a registration (e.g., the name and citizenship of the author, the name of the claimant, the place of publication, etc.) cannot be verified by the Copyright Office, and yet are accorded a legal presumption of validity. The requirement of marking the deposit to identify some copyrightable changes in one representative update should facilitate the processing of applications for group registration of automated databases. The alternative would be for the Office to correspond in many cases to obtain a more complete description of

the copyrightable changes, if we adopted the IIA proposal. We reject this alternative as administratively burdensome.

Some misunderstanding may exist as to the nature of the marking requirement. We do not require that every copyrightable change be marked* and identified for the representative date selected by the applicant. We require instead that sufficient copyrightable changes be marked and identified to enable the Copyright Office to carry out its statutory responsibility of determining that the revised version is indeed an original work of authorship. The applicant can select the particular revised version that evinces sufficient authorship, including the most recent version, since the last registration of the database. If in fact the nature of the changes in the three month interval does not satisfy the original work of authorship standard for copyright protection, then no new registration is necessary or warranted. If the work has not been changed to constitute a new original work of authorship, copyright for the preceding (or original) version should protect against any copying of the database.

Accordingly, group registration will be made for periodically updated or otherwise revised databases only upon a showing that changes give rise to another original work of authorship. Where the Office determines that only a few minor revisions have been made in the representative deposit, registration will be subject to question, and absent more justification, will be denied. The Office will not make registration based solely on a claim of structure, sequence, and organization. These terms are ambiguous, and may refer to uncopyrightable ideas, systems, or processes. Therefore, claims described as so-called "SSO" are unacceptable. Claims in "selection and arrangement" are of course acceptable since these terms appear in the statutory definition of "compilation."

The requirement for marking revisions from one representative publication or creation date is related also to the Office's view that each separately published version is potentially a separate and independent work of authorship. As such, whether a derivative work is copyrightable depends on the content of each version as compared to earlier versions of the work. Contrary to the IIA's argument, comparison with earlier versions is relevant when copyright is claimed as a derivative work. 17 U.S.C. 103(b). The same policy is reflected in the regulation providing that there should be only one basic registration per work. 37 CFR 202.3(f). See also H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. 155 (1976). If Congress granted a new copyright upon every republication of a work, copyright

could be extended in perpetuity in basic conflict with the limited times provision of the Constitution's clause. Thus, at † best, no purpose is served by reregistering material already covered by an earlier registration. At worst, extending the copyright without new authorship exceeds the statutory and constitutional grant.

For these reasons then the Office considers reasonable a requirement that the claimant delineate with some particularity a claim in revised automated databases seeking group registration. The Office, of course, will accept deposit of a copy disclosing only the actual additions or modifications made on a representative day (for example the data input), in lieu of a marked print-out showing the changes. We have revised § 202.20(c)(2)(vii)(B)(5) to clarify that a deposit showing only the new matter is acceptable.

3. Description of the Origins of Data

Two commentators objected to the requirement that a description of the origins of data be included in the statement to accompany identifying portions. We have already addressed the charges of disparate treatment of databases, noting the general equivalency of the requirements but also justifying departures from equivalency on the ground of the special nature of automated databases. Some of the departures favor proprietors, and some do not. Congress intended that the application contain information about preexisting works and that information is required for other works. 17 U.S.C. 409(9). On this point, the House Report states that this requirement that, "in the case of a 'compilation or derivative work' the application include an identification of any preexisting work or works that it is based on or incorporates * * * is intended to elicit a clear statement of the copyright status of material included in a compilation. H.R. Rep. at 156. The origin of data requirement is merely a request for information about preexisting works in order to make a more meaningful group registration record.

4. Reasonable Portions of Output

Earlier in this proceeding, the AAP proposed that the Office prescribe deposits for dynamic databases based on reasonable portions of output rather than raw data. The Office has proceeded on the assumption that either output or raw data is acceptable as a deposit, and the regulation clarifies this matter.

5. Representative Day

The proposed deposit requirements specify that identifying portions shall be from a revised version as it existed on one representative publication or

*Error; line should read:
"every copyrightable change be marked"

†Error; line should read:
"of the Constitution's copyright clause."

creation date. As stated earlier, the intent is to obtain identifying portions of copyrightable content from one self-contained work rather than several works. The IIA asked us to clarify that the Office intends no implication that only one work can come into being on a given day. We agree that it is theoretically possible for more than one new version to be created on one day. The Office decided, however, to restrict the requirement for identifying portions merely to one day, for administrative purposes. As a practical matter, we also think that one day's updates are particularly relevant in the case of published databases. It would not be meaningful to attempt separate identification of changes made during a period of time less than one day.

The regulations do not negate the possibility of special relief, under appropriate circumstances. 37 C.F.R. 202.20(d). Also, individual registration of revised versions continues to be available as an option. Some comments assert that for constantly changing databases it would be virtually impossible to identify all of one edition's changes and appropriately mark a deposit copy. This concern is misplaced. As discussed under Item 2 above, it is not necessary to identify all changes. The requirement is to identify sufficient changes to establish that the work submitted for registration is an original work of authorship. Additionally, it is possible to submit 50 pages or a set of 50 data records of entirely new material accompanied by a descriptive statement that gives information to that effect.

6. Three-Month Period

The AAP urges a single, group registration for all revisions to a database covering a twelve month period. Although it originally suggested a three-month period, IIA now supports the AAP proposal. Except for one other comment, which noted that even if we established a one year period as the outer limit, most registrations would likely occur within three months, no other comments expressed a desire for a broader window of registration than three months.

At this time, the Office adopts the three month period for group registration of a database and its updates. Prompt registration has been an important objective since the beginning of copyright in the United States. There is even more reason to adhere to a three month provision where not all of any one work will be deposited and the archival record for the work must necessarily be less than complete. Registration on a yearly basis exacerbates the problems presented by this kind of deposit and would create the potential for registering more than 300 works on one application, with a modicum of identifying deposit material.

We have concluded that a three month registration interval, accompanied by a suitable deposit, creates a better archival record and would be more useful and reliable as a source of information on the content of the works being registered. While registration fees are not a primary consideration, database registrants will enjoy substantial savings even for quarterly filings. Above all, the Office is concerned about the administrative difficulties of examining an application that covers multiple works. Group registration of databases must be viewed as experimental and must be re-evaluated after an appropriate period. Finally, we clarify in the final regulation that the three-month span must fall within a single calendar year. Since most databases are works made for hire, the date of publication affects the term. The Office concludes that a single registration should not be made for related works whose terms of copyright differ.

7. Online Access in Lieu of Deposit

Several commentators have suggested that the Office accept online access in lieu of deposit. We have not at this time adopted this suggestion because administrative procedures have not been developed to monitor revisions and then capture some physical representation of the work for archival purposes. While the Office does not rule out such a deposit solution for the future, more information is needed than is currently available. Moreover, the Office assumes that copyright proprietors would expect some assurances that the online access would be strictly limited to examining purposes. Assurances of that kind, if possible, would require careful consultation with other departments of the Library to establish the necessary controls.

8. Notice of Copyright

The Berne Implementation Act of 1988 eliminates the mandatory nature of the notice of copyright for works first published on or after March 1, 1989. We have accordingly modified the references to notice of copyright in the final regulation. Mandatory notice is retained in section § 202.3(b)(4)(i)(E) for works published before March 1, 1989. The identifying descriptive statement must disclose the notice, "if the work bears a notice." Where notice of copyright is used, group registration is possible only if the notices identify the same claimant for each update.

9. Special Instructions in Lieu of New Form

In the proposed regulations, the Copyright Office indicated that Form TX would be used to register the first version of a database submitted for

registration and an adjunct form would be used to register subsequent updates or revisions.

The final regulations provide instead that Form TX will be used to register both the initial version and subsequent updates of automated databases. Instead of a new adjunct form, the Office, on an experimental basis, has prepared special instructions for completing the Form TX when applying for group registration of an automated database and its updates. The Special Instructions for Group Registration of Automated Databases may be obtained upon request on the same basis as any Copyright Office form or publication.

After acquiring experience with respect to group registration of automated databases, the Office may prepare a new adjunct form.

10. Clarification of Miscellaneous Points

IIA and several other commentators suggested certain other clarifying amendments. Among the technical amendments adopted, the following should be especially noted:

a. Instead of using the term "updates" alone, the language has been expanded to avoid any implication that only the revisions made in response to developments occurring after creation of the previously registered work are subject to group registration.

b. We have clarified that deposit of output is appropriate. Identifying portions sufficient to satisfy the deposit requirements may be submitted in the form of output, rather than input, or raw data. It is the acceptance of output as deposit material that clearly necessitates the applicant's distinguishing between material that has been added in the version being registered and output that was stored in machine-readable form in earlier versions of the work.

c. We have substituted "general" for "collective" title in § 202.3(b)(4)(i)(B) to avoid any implication that the database must conform to the definition of "collective work" under 17 U.S.C. 101.

d. We confirm that group registration is available for both published and unpublished databases.

e. We have renumbered subsections to clarify that the applicant need not submit a descriptive statement for a single file database that is not a derivative work.

In this first exercise of our administrative discretion to register a group of related works under section 406(c)(1) of the Copyright Act, we will evaluate administrative experience and the experience of applicants filing under this new rule. We will also continue to monitor emerging decisional law with respect to automated databases, and will reconsider the proper scope of, and conditions for group registration of

databases, as appropriate. Further refinements may be indicated.

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position that this Act does not apply to the Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress and is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (Title 5, Chapter 5 of the U.S. Code, Subchapter II and Chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since the Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.²

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined and hereby certifies that this regulation will have no significant impact on small businesses.

List of Subjects in 37 CFR Part 202

Registration of Claims to Copyright, Claims to copyright, Copyright registration.

Final Regulations

In consideration of the foregoing, Part 202 of 37 CFR, Chapter II is amended as follows:

1. The authority citation for Part 202 continues to read as follows:

Authority: Sec. 702, 90 Stat. 2541, 17 U.S.C. 702; §§ 202.3, 202.19, 202.20, and 202.21 are all issued under 17 U.S.C. 407 and 408.

2. Section 202.3(b)(3)(B)(ii) is revised by striking the phrase "paragraphs (b)(3) and (b)(5)" in the first sentence and inserting in lieu thereof "paragraphs (b)(3) through (b)(5)."

3. Section 202.3(b)(4) is added to read as follows:

§ 202.3 [Amended]

* * * * *

(b) * * *

(4) *Group registration of related works: Automated databases.*

² The Copyright Office was not subject to the Administrative Procedure Act before 1978, and it is not subject to it only in areas specified by section 701(d) of the Copyright Act (i.e., "all actions taken by the Register of Copyrights under this title [17]," except with respect to the making of copies of copyright deposits). [17 U.S.C. 706(b)]. The Copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA-FOLA requirements.

††Error; line should read: "now subject to it only in areas specified by section"

(i) Pursuant to the authority granted by section 408(c)(1) of Title 17 of the United States Code, the Register of Copyrights has determined that, on the basis of a single application, deposit, and filing fee, a single registration may be made for automated databases and their updates or other derivative versions that are original works of authorship, if, where a database (or updates or other revisions thereof), if unpublished, is (or are) fixed, or if published is (or are) published only in the form of machine-readable copies, all of the following conditions are met:

- (A) All of the updates or other revisions are owned by the same copyright claimant;
- (B) All of the updates or other revisions have the same general title;
- (C) All of the updates or other revisions are similar in their general content, including their subject;
- (D) All of the updates or other revisions are similar in their organization;
- (E) Each of the updates or other revisions as a whole, if published before March 1, 1989, bears a statutory copyright notice as first published and the name of the owner of copyright in each work (or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner) was the same in each notice;
- (F) Each of the updates or other revisions if published was first published, or if unpublished was first created, within a three-month period in a single calendar year; and
- (G) The deposit accompanying the application complies with § 202.20(c)(2)(vii)(B).[‡]

(ii) A single registration may be made on one application for both a database published on a single date, or if unpublished, created on a single date, and also for its copyrightable revisions, including updates covering a three-month period in a single calendar year. An application for group registration of automated databases under section 408(c)(1) of Title 17 and this subsection shall consist of:

- (A) A Form TX, completed in accordance with the basic instructions on the form and the Special Instructions for Group Registration of an Automated Database and its Updates or Revisions;
- (B) A filing fee of \$10; and
- (C) The deposit required by 202.20(c)(2)(vii)(B).

* * * * *

4. Section 202.20(c)(2)(vii)(B) is revised to read as follows:

§ 202.20 [Amended]

* * * * *

[‡]Error; line should read: "§ 202.20(c)(2)(vii)(D)."

(c) Nature of required deposit.

- (1) * * *
- (2) * * *
- (vii) * * *

(B) For published and unpublished automated databases, compilations, statistical compendia, and the like, so fixed or published, one copy of identifying portions of the work, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform. For these purposes:

- (1) "Identifying portions" shall generally mean either the first and last 25 or equivalent units of the work if reproduced on paper or in microform.
- (2) "Data file" and "file" mean a group^Ω of data records pertaining to a common subject matter regardless of their size or the number of data items in them.
- (3) In the case of individual registration of a revised version of the works identified in this paragraph (c)(2)(vii)(B), the identifying portions deposited shall contain 50 representative pages or data records which have been added or modified.
- (4) If the work is an automated database comprising multiple separate or distinct data files, "identifying portions" shall instead consist of 50 complete data records from each data file or the entire data file, whichever is less, and the descriptive statement required by paragraph (c)(2)(vii)(B)(5).
- (5) In the case of group registration for revised or updated versions of a database, the claimant shall deposit identifying portions that contain 50 representative pages or equivalent units, or representative data records which have been marked to disclose (or do in fact disclose solely) the new material added on one representative publication date if published, or on one representative creation date, if unpublished, and shall also deposit a brief typed or printed descriptive statement containing the notice of copyright information required under "(6)" or "(7)" immediately below, if the work bears a notice, and:
 - (i) The title of the database;
 - (ii) A subtitle, date of creation or publication, or other information, to distinguish any separate or distinct data files for cataloging purposes;
 - (iii) The name and address of the copyright claimant;
 - (iv) For each separate file, its name and content, including its subject, the origin(s) of the data, and the approximate number of data records it contains; and
 - (v) In the case of revised or updated versions of an automated database, information as to the nature and frequency of changes in the database and some identification of the location within the database or the separate data files of the revisions.

^ΩError; line should read: "(2) "Data file" and "file" shall mean a group"