



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

Copyright

As required by copyright law, the Copyright Office notifies applicants in writing if their copyright claims cannot be registered and explains the reasons for denying the claims. Applicants have two opportunities to seek reconsideration of Copyright Office decisions to refuse registration. Note that an applicant who has sought registration can bring an infringement action under 17 U.S.C. §411(a) even if the applicant is refused registration.

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

Mask Works and Vessel Hull Designs

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

Requirements

Both first and second requests must

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

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

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

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

NOTE: The fee for a first request for reconsideration is \$250 plus an additional fee of \$25 for each related claim after the first for a group of related works on which one appeal is filed.

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

NOTE: The fee for a second request for reconsideration is \$500 plus an additional fee of \$25 for each related claim after the first for a group of related works on which one appeal is filed.