

Announcement

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

NEW CLASSIFICATION SYSTEM FOR COPYRIGHT REGISTRATIONS

EFFECTIVE JANUARY 1, 1978

NEW CLASSES

Claims to copyright submitted under the new Copyright Act, effective January 1, 1978, will be registered under an entirely new classification system. Instead of the fifteen classes provided for under the present law, the new system provides for only five classes:

● Class TX: Nondramatic Literary Works

This category is very broad. Except for dramatic works and certain kinds of audiovisual works, Class TX includes all types of published and unpublished works written in words (or other verbal or numerical symbols). A few of the many examples of "nondramatic literary works" include: fiction, nonfiction, poetry, periodicals, textbooks, reference works, directories, catalogs, advertising copy, and compilations of information.

● Class PA: Works of the Performing Arts

This category includes published and unpublished works prepared for the purpose of being "performed" directly before an audience or indirectly "by means of any device or process." Examples of works of the performing arts are: musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; and motion pictures and other audiovisual works.

● Class VA: Works of the Visual Arts

This category consists of published and unpublished "pictorial, graphic, or sculptural works," including two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, technical drawings, diagrams, and models. Within this class are pictorial or graphic

labels and advertisements, as well as "works of artistic craftsmanship." The "design of a useful article" may be registrable in Class VA, but "only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article."

● Class SR: Sound Recordings

This category is appropriate for registration for both published and unpublished works in two situations: (1) where the copyright claim is limited to the sound recording itself; and (2) where the same copyright claimant is seeking to register not only the sound recording but also the musical, dramatic, or literary work embodied in the sound recording. With one exception, "sound recordings" are works that result from the fixation of a series of musical, spoken, or other sounds. The exception is for the audio portions of audiovisual works, such as a motion picture soundtrack or an audio cassette accompanying a filmstrip; these are considered an integral part of the audiovisual work as a whole and are registrable in Class PA. Sound recordings fixed before February 15, 1972 are not eligible for registration, but may be protected by State law.

● Class RE: Renewal Registration

This category covers renewal registration for copyrights that are already in their first term on January 1, 1978 (that is, renewals for works originally copyrighted between January 1, 1950, and December 31, 1977). Class RE is appropriate for all renewal registrations, regardless of the class in which the original registration was made. NOTE: Renewal registration can be made only during the last calendar year of the first 28-year copyright term, and it has the effect of extending copyright protection for an additional 47 years.

NEW FORMS

There are five new application forms corresponding to the five new registration categories:

- Form TX (for nondramatic literary works): Use Form TX after January 1, 1978, if, before that date, you would have submitted any of the following: Form A, Form A-B Foreign, Form A-B Ad Interim, Form B, Form BB (for nondramatic literary contributions to periodicals), or Form C.
- Form PA (for works of the performing arts): Use Form PA after January 1, 1978, if, before that date, you would have submitted any of the following: Form D, Form E, Form E-Foreign, or Form L-M.

- Form VA (for works of the visual arts): Use Form VA after January 1, 1978, if, before that date, you would have submitted any of the following: Form F, Form G, Form H, Form I, Form J, Form K, or Form KK.
- Form SR (for sound recordings): Use Form SR after January 1, 1978, if, before that date, you would have submitted Form N.
- Form RE (for renewal registrations): Use Form RE after January 1, 1978, if, before that date, you would have submitted Form R.

In addition to these five basic application forms, there will be two new forms for use in special cases:

- Form CA (for supplementary registration): Use Form CA to apply for supplementary registration under section 408(d) of the new law, in order to correct an error in a copyright registration or to amplify the information given in a registration.
- Form GR/CP (for group registration for contributions to periodicals): Use Form GR/CP as an adjunct to a basic application on Form TX, Form PA, or Form VA, if you are making a single registration under section 408(c)(2) of the new law for a group of contributions to periodicals.

NEW REGISTRATION NUMBERING SYSTEM

Beginning January 1, 1978, the Copyright Office will also start a new numbering system for all registrations:

- Classes TX, PA, VA, and SR will be given registration numbers in separate series, preceded by the double letters identifying the class. Unpublished works will be identified by adding a small "u" after the double letters. Examples: "VA 2209"; "TXu 1617".
- Class RE will constitute a separate numbering series, without indication of whether the work being renewed is published. Example: "RE 5102".

HOW TO OBTAIN THE NEW FORMS

We should have the new forms printed and ready for distribution around December 1, 1977. You can obtain a supply free of charge by sending a specific request, identifying the number of each form you need, to: Information and Publications Section, Copyright Office, Library of Congress, Washington, D.C. 20559.

OTHER POINTS TO REMEMBER

● All Unpublished Works Registrable: Under the new law, all original works of authorship can be registered for copyright regardless of whether they are published or unpublished. Among the many types of works that can now be registered in unpublished form are all types of nondramatic literary works, song poems without music, and sound recordings.

● Classification for Administrative Purposes Only: The classification system outlined in this announcement has been adopted under the new copyright statute, which authorizes the Copyright Office to specify "the administrative classes into which works are to be placed for purposes of deposit and registration." The statute makes clear that "this administrative classification of works has no significance with respect to the subject matter of copyright or the exclusive rights provided by this title."

● Choose the Most Appropriate Class: Most works will fall naturally into one of the four main classes of copyrightable material. If your work contains copyrightable material falling into two or more classes, you should choose the one class that is most appropriate for the work as a whole. As a rule, if one type of material predominates in the work, it should determine the class for registration. (Note, however, that Form SR should be used whenever the same copyright claimant is seeking to register both a sound recording and also the musical, dramatic, or literary work embodied in the

● Contributions to Periodicals and Collections: The proper class for a work published as a contribution to a periodical, serial, or collection depends on the nature of the contribution, not of the larger work in which it appears. Example: a cartoon published in a newspaper would be registered in Class VA.

IMPORTANT

Claims to copyright submitted after January 1, 1978, must be accompanied by the new application forms. The forms in use before that date will no longer be accepted.