



# ANNOUNCEMENT

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

## EXTENSION OF COMMENT PERIOD

### 37 CFR PART 202

#### REGISTRATION OF CLAIMS TO COPYRIGHT IN THE GRAPHIC ELEMENTS INVOLVED IN THE DESIGN OF BOOKS AND OTHER PRINTED PUBLICATIONS; ADVANCE NOTICE OF PROPOSED RULEMAKING; EXTENSION OF COMMENT PERIOD

The following excerpt is taken from Volume 44, No. 213 of the Federal Register for Thursday, November 1, 1979 (pp. 62913-62914).

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#### Copyright Office

#### 37 CFR Part 202

[Docket RM79-2]

#### Registration of Claims To Copyright in the Graphic Elements Involved in the Design of Books and Other Printed Publications; Advance Notice of Proposed Rulemaking: Extension of Comment Period

**AGENCY:** Library of Congress, Copyright Office.

**ACTION:** Extension of comment period.

**SUMMARY:** This notice extends to January 2, 1980 the period for comments in connection with our advance notice of proposed rulemaking concerning registration of claims to copyright in the graphic elements involved in the design of books and other printed publications. The original notice was published August 14, 1979 in the Federal Register, pages 47555-47557. Comments, views, and information are invited to assist the Copyright Office in considering all

aspects of the question and in drafting regulations to be issued as proposed rules for additional comment at a later time.

**DATE:** The record of this proceeding will be kept open until January 2, 1980.

**ADDRESSES:** Ten copies of written comments or of supplemental statements should be addressed, if sent by mail, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Virginia 22202.

If delivered by hand, the copies should be brought to: Office of the General Counsel, Room 519, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, (703) 557-6731.

**SUPPLEMENTARY INFORMATION:** The Copyright Office is considering the formulation of regulations governing our policies and practices in cases where claims to copyright registration are asserted in the graphic elements involved in the design of books and other printed publications. We believe

our regulations on this question could have considerable impact on a number of persons and organizations, including: Graphic artists and designers; authors; publishers of books, newspapers, periodicals, and a variety of other types of publications; and various segments of the book manufacturing and printing industries.

On January 5, 1978, the Copyright Office published interim regulations (43 FR 985) establishing the essentials of the copyright registration system. At that time some portions of the existing Copyright Office regulations concerning registration were repealed, while other provisions were allowed to remain in effect for the time being. One provision not repealed was Copyright Office Regulation 202.1(a), 37 CFR, prohibiting registration of "mere variations of typographic ornamentation, lettering, or coloring."

On October 19, 1979, in accordance with an Advance Notice of Proposed Rulemaking (44 FR 47555), we held a public hearing to elicit information relevant to the formulation of regulations. At least one witness requested additional time to canvass the members of her organization before

preparing a supplemental statement for the record. We have therefore decided that additional comment time is necessary to permit a full and thorough consideration of the issues implicit in this proceeding, and we will keep the record open for comments and supplemental statements until January 2, 1980.

Through this proceeding we are interested in exploring those elements going into the production of a book or other printed publication that, taken together, could be considered a copyrightable "work of applied art." We are not speaking here of the text as such or the illustrations as such—including ornamental illustrations and embellishments such as chapter headings and illuminated initial letters. We are inquiring about less obvious design elements such as the arrangement or juxtaposition of text

matter, pictorial matter, or combinations of text and pictorial matter on a page or a group of pages, and typography in a narrower sense, including selections of typefaces and sizes, margins, spacing, color, and a range of other choices having design consequences. The problem is sometimes loosely referred to as "book design," but we are also interested in the graphic or design elements involved in all types of printed publications—hardcover books, paperbacks, catalogs, newspapers, magazines, pamphlets, leaflets, folders, booklets, card sets, broadsides, and advertisements, among a host of others. We are interested in finding out what goes into elements variously known as "layout," "format," "typography," "composition," "arrangement," "makeup," and "color schemes," and in exploring whether these elements should be regarded as uncopyrightable

ideas or concepts, or whether, alone or in combination, they can be considered copyrightable "works of authorship."

This proceeding is *not intended* to reopen issues concerning the copyrightability of the designs of individual type faces or type fonts. However, we are interested in exploring whether choices of type faces or combinations of them, or choices of colors or combinations of them, can ever constitute copyrightable elements.

[17 U.S.C. 408, 702].

Dated: October 17, 1979.

Barbara Ringer,  
*Register of Copyrights.*

Approved:  
Daniel J. Boorstin,  
*The Librarian of Congress.*

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