

# Announcement

from the Copyright Office, Library of Congress, Washington, D.C. 20540

## CHANGES IN COPYRIGHT OFFICE REGULATIONS

Part 202 of Chapter II of Title 37 of the Code of Federal Regulations has been amended effective February 15, 1972, to provide rules for the registration of claims to copyright in sound recordings, pursuant to Public Law 92-140 relating to sound recordings. The amendments to the Regulations of the Copyright Office were published in the February 11, 1972 issue of the **FEDERAL REGISTER**, Volume 37, Number 29.

### Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

Chapter II—Copyright Office,  
Library of Congress

#### PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

##### Registration for Sound Recordings

Effective February 15, 1972, Part 202 of Chapter II of Title 37 of the Code of Federal Regulations is amended as follows:

1. In § 202.2, paragraph (b) is amended by revising subparagraphs (1), (2), and (10) to read as follows:

##### § 202.2 Copyright notice.

(b) *Defects in notice.* Where the copyright notice does not meet the requirements of the law, the Copyright Office will reject an application for copyright registration. Common defects in the notice include, among others, the following:

(1) The notice lacks one or more of the necessary elements (i.e., the word "Copyright," the abbreviation "Copr.," or the symbol ©, or, in the case of a sound recording, the symbol Ⓒ; the name of the copyright proprietor, or, in the case of a sound recording, the name, a recognizable abbreviation of the name, or a generally known alternative designation, of the copyright owner; and, when required, the year date of publication);

(2) The elements of the notice are so dispersed that a necessary element is not identified as a part of the notice; in the case of a sound recording, however, if the producer is named on the label or container, and if no other name appears in conjunction with the notice, his name will be considered a part of the notice;

(10) A notice is on the wrapper or container which is not a part of the work and which will eventually be removed and discarded when the work is put to use; the notice may be on a container which is designed and can be expected to remain with the work;

2. Section 202.3 is revised as follows:

a. Paragraph (a) is revised to read as set forth below.

b. In paragraph (c) of § 202.3, the list of application forms for the registration of claims to copyright is amended by inserting, after the item "Form L—Motion picture (Classes L—M)," the new item "Form N—Sound recording (Class N)."

##### § 202.3 Application forms.

(a) *In general.* Section 5 of title 17 of the United States Code provides fourteen classes (Class A through Class N) of works in which copyright may be claimed. Examples of certain works falling within these classes are given in §§ 202.4 to 202.15a inclusive, for the purpose of assisting persons who desire to obtain registration of a claim to copyright, to select the correct application form.

3. In § 202.8, paragraph (b) is revised to read as follows:

##### § 202.8 Musical compositions (Class E).

(b) A phonorecord, such as a disc, tape, or other reproduction of a sound recording, is not considered a "copy" of the musical composition or the literary or dramatic work recorded on it, and is not acceptable as a deposit copy for copyright registration of the musical composition or the literary or dramatic work. Concerning the registration of copyright claims in sound recordings as works in themselves (as distinct from the musical compositions or the literary or dramatic works recorded), see § 202.15a.

4. Part 202 is amended by adding a new § 202.15a, reading as follows:

##### § 202.15a Sound recordings (Class N).

(a) This class includes published sound recordings, i.e., works that result from the fixation of a series of musical, spoken, or other sounds. Common examples include recordings of music, drama, narration, or other sounds, as published in the form of phonorecords such as discs, tapes, cartridges, cassettes, player piano rolls, or similar material objects from which the sounds can be reproduced either directly or with the aid of a machine or device. Registration for sound recordings is made in Class N.

(b) Only those sound recordings fixed and published on or after February 15, 1972, are eligible for registration. A sound recording is "fixed" when the complete series of sounds constituting the work is first produced on a final master recording that is later reproduced in published copies.

(c) Sound recordings registrable in Class N do not include a sound track that is an integrated part of a motion picture. Registration for motion pictures, of which a sound track may be an integrated part, is made in Class L or M; see § 202.15.

(d) Registration for a sound recording in Class N does not cover the musical composition or the literary or dramatic work of which a rendition is recorded. A claim of copyright in the recorded musical composition is to be registered separately in Class E; see § 202.8. A claim of copyright in the recorded literary or dramatic work is to be registered separately in Class A, B, C, or D, whichever is appropriate; see §§ 202.4, 202.5, 202.6, and 202.7.

(Sec. 207, 61 Stat. 666; 17 U.S.C. 207)

Dated: February 8, 1972.

GEORGE D. CARY,  
Register of Copyrights.

Approved:

L. QUINCY MUMFORD,  
Librarian of Congress.

[FR Doc. 72-3053 Filed 2-10-72; 8:46 am]