

# Copyright Registration of Secure Tests

For the purpose of copyright registration, a secure test is a “nonmarketed” test administered under supervision at specified centers on specific dates, all copies of which are accounted for and either destroyed or returned to restricted locked storage following each administration. A test is considered nonmarketed if copies are not sold and the test is distributed and used in such a manner that ownership and control of copies remain with the test sponsor or publisher (37 C.F.R. § 202.20(b)(4)). An example of a secure test is the SAT.

## Registration Procedure

To enable copyright claimants to preserve the confidential nature of secure tests, the Copyright Office provides in its regulations a special procedure for registering secure tests and depositing copies of them. It involves making an appointment with a copyright registration specialist; to do so, telephone the Office’s Literary Division at (202) 707-8250.

At the time of your appointment, bring the secure test material to the Copyright Office’s Public Information Office, located in Room 401 of the James Madison Memorial Building of the Library of Congress at 101 Independence Avenue SE, Washington, D.C. A registration specialist will meet with you and make a preliminary examination of the complete test in your presence. The specialist will return the test to you, retaining adequate identifying portions of the deposit of the work to create an archival record. (See “Deposit Requirement” below.) Later, after the claim is fully examined and any problems are resolved, a certificate of registration will be mailed to you.

## Required Elements

Bring the following three things with you to your appointment. They are required for copyright registration of secure tests.

- 1 A completed application. To complete the application using online registration, contact the Literary Division at (202) 707-8250 for more information. See “Online Registration” below. Alternatively, you can use fill-in Form TX, available on the Copyright Office’s website at [www.copyright.gov](http://www.copyright.gov).
- 2 A nonrefundable filing fee for each registration plus a secure-test processing fee. Copyright Office fees are subject to change. For current fees, please check the Copyright Office website or call (202) 707-3000. Make checks payable to *Register of Copyrights*.
- 3 A deposit copy of the work for which registration is sought. See “Deposit Requirement” below.

## Electronic Application

If you apply online, choose the deposit option “send by mail.” You will need to come to the Copyright Office for examination of your secure test even if you apply online; this option will prompt the online system to wait until you bring your secure test booklets or CDs to your scheduled appointment with a copyright registration specialist. Print out a copy of your application and bring it to the appointment with your deposit copy.

## Deposit Requirement

The deposit requirement depends on the format of the secure test being registered.

### Print Format

For secure tests and answer material in print format, the deposit consists of

- one complete copy (to be returned to the applicant), *and*
- one set of identifying material (to be retained by the Copyright Office).

The identifying material deposited with each test must constitute a sufficient archival record of the actual test; its sufficiency is determined by the Literary Division. Generally, the identifying material should consist of a photocopy of the title page (unmasked) of the test booklet and a photocopy of the last page of questions in each booklet. The last page of each booklet should be masked with all except a narrow diagonal strip blanked out. The amount of the visible portion must be great enough to reveal that a page contains the copyrightable material that you are claiming. For example, if your application claims “text and photographs,” the visible portion of your masked material should reveal some text and some portion of a photograph. If test pages are numbered, the last page number must be visible in the unmasked portion of the photocopied page.

When slides accompany the test material or when the test consists entirely of slides, the deposit in addition to the above requirements for textual matter, if applicable, consists of

- one complete copy of the slides (to be returned to the applicant), *and*
- one set of identifying material (to be retained by the Copyright Office) that includes
  - a brief written description of what is depicted in the slides and the total number of slides in the work; *and*

- one of the following: a single slide from the set showing a copyrightable illustration (not text); a photograph of a slide showing a copyrightable illustration; or a slide or photograph of a slide with all except a narrow diagonal strip blocked out. This should resemble the slit-masked copy deposited for text. It must be obvious from the portion of the slide or photograph deposited that the slide contains copyrightable illustrative material.

### Machine-Readable Format

For secure tests that are administered (a) in machine-readable format or (b) on a traditional print-copy booklet whose contents are taken from a larger, automated database, deposit for *examination purposes* consists of

- one complete copy of the test or the database (to be returned to the applicant) *or*
- 50 unmasked, complete pages of the questions or contents of the test or database (may be returned to the applicant, depending on the applicant’s preference regarding permanent identifying materials; see note below).

These 50 pages can be either the first 25 and last 25 pages of the test or database of test questions or 50 pages from anywhere within the test or database of questions.

**NOTE:** Because the Copyright Office cannot provide computers for examination purposes, applicants who intend to display automated tests or databases must bring their own portable computers to their examination appointments.

For *permanent retention* with the Copyright Office, the deposit consists of

- a photocopy of the title page plus a photocopy of the masked or blocked-out last page of the questions showing at least some copyrightable contents; the page number, if any; and the number of the last question;
- a photocopy of 50 masked or blocked-out pages of the questions or contents of the test (these pages must be the same 50 pages submitted for the actual examination); or
- 50 unmasked, complete pages of the questions or contents of the text or database (see note below).

Unusual test formats may require different identifying material. In such cases, call the Literary Division at (202) 707-8250 to discuss particular needs or circumstances.

**NOTE:** Applicants must decide whether they prefer a permanent identifying-materials deposit that includes the lesser quantity of test contents normally applied to traditional, print-format tests or whether they prefer the greater quantity of test

contents applied to the category of automated databases. For details about registration of automated databases, see Circular 65, *Copyright Registration for Automated Databases*.

The applicant may also include within the registration any identifying material representing computer program authorship that may be owned by the applicant and may be considered part of the secure test work. It is not necessary, however, to register the computer program associated with an automated secure test at the same time the secure test is registered. If a computer program is also being registered, contact the Literary Division at (202) 707-8250 for instructions.

### **Submission by Regular Mail**

The Copyright Office cannot guarantee the security or confidentiality of test materials mailed to the Office. Tests received in the mail follow the normal flow of work and are given no special treatment.

### **For Further Information**

#### ***By Internet***

Circulars, announcements, regulations, application forms, and other related materials are available from the Copyright Office website at [www.copyright.gov](http://www.copyright.gov).

#### ***By Telephone***

For general information about copyright, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 AM to 5:00 PM, Monday through Friday, eastern time, except federal holidays. Recorded information is available 24 hours a day. To request paper application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

#### ***By Regular Mail***

Write to

*Library of Congress  
Copyright Office—COPUBS  
101 Independence Avenue SE  
Washington, DC 20559*

