

NOTICE OF COPYRIGHT

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NOTICE OF COPYRIGHT

2201 What This Chapter Covers

This Chapter discusses the **notice** requirements for U.S. works **published in copies** and **phonorecords** in the United States between January 1, 1978 and February 28, 1989, when **copyright notice** was required for published works.

This Chapter does not cover works published before January 1, 1978 under the Copyright Act of 1909. For information on the notice requirements for works first published prior to January 1, 1978, see **Chapter 2100** (Renewal Registration).

2202 Works Exempt From the Notice Requirement

2202.1 Unpublished Works

A copyright notice has never been required for **unpublished** works. The U.S. Copyright Office will register an unpublished work that does not bear a notice, regardless of whether the work was created before or after March 1, 1989.

2202.2 Post-Berne Works

Notice is optional for works first **published** on or after March 1, 1989.

The **Berne Convention** Implementation Act of 1988 amended the Copyright Act of 1976 by making notice optional for works published on or after this date. The **Uruguay Round Agreements Act** amended the statute by restoring copyrights for **foreign works** that lost copyright protection in the United States for failure to comply with notice requirements prior to March 1, 1989. This includes (i) works created by an author who is a citizen of, or domiciled in, a country that has entered into a copyright treaty with the United States, and (ii) works first published, or **sound recordings** first **fixed**, in a country that has entered into a copyright treaty with the United States. For a detailed discussion of foreign works, see **Chapter 2000**.

For purpose of this Chapter, these types of works are collectively referred to as “Post-Berne Works.”

2202.2(A) Advantages to Using Notice on Post-Berne Works

Although notice is optional for **unpublished** works, **foreign works**, or works **published** on or after March 1, 1989, the U.S. Copyright Office strongly encourages copyright owners to use a notice for the following reasons:

- It puts potential users on notice that copyright is claimed in the work.
- In the case of a published work, a notice may prevent a defendant in a copyright **infringement** action from attempting to limit his or her liability for damages or injunctive relief based on an innocent infringement defense.
- It identifies the copyright owner at the time the work was first published for parties seeking permission to use the work.
- It identifies the year of first **publication**, which may be used to determine the term of copyright protection in the case of an **anonymous** work, a **pseudonymous** work, or a **work made for hire**.
- It may prevent the work from becoming an orphan work by identifying the copyright owner and/or specifying the term of the copyright.

See 17 U.S.C. §§ 401(d), 402(d), 405(b), 406(a), 504(c)(2).

Copyright owners may use any form of notice for an unpublished work, a foreign work, or a work published on or after March 1, 1989. As a general rule, Post-Berne works do not need to comply with the notice requirements set forth in **Sections 401** or **402** of the Copyright Act or any of the other requirements discussed in **Sections 2203** through **2209** below.

NOTE: There is limited exception to this rule. Works published on or after March 1, 1989 may require a notice that complies with **Sections 401** or **402** to prevent a defendant from invoking an innocent infringement defense in a copyright infringement action. See 17 U.S.C. §§ 401(d), 402(d), 504(c)(2).

2202.2(B) Examination Guidelines for Post-Berne Works

Because a notice is not required for a Post-Berne work, the omission of a notice from the **copies** or **phonorecords** of that work has no effect on the validity of the copyright. However, if the information provided in the application is inconsistent with the information contained in the notice, the **registration specialist** may communicate with the **applicant**.

2203 Requirement of Notice

2203.1 Works First Published Between January 1, 1978 and February 28, 1989

Prior to March 1, 1989, when a copyrighted work was **published** with the authority of the copyright owner in the United States or elsewhere, the copyright law generally required that a notice be placed “on all publicly distributed copies from which the work can be visually perceived.” Likewise, the copyright law generally required that a notice be placed “on all publicly distributed phonorecords of [a] sound recording” published in the United States or elsewhere with the authority of the copyright owner. See Copyright Act of 1976, §§ 401(a), 402(a), 90 Stat. 2541, 2576-77 (1976) (current version at 17 U.S.C. §§ 401(a), 402(a)). However, certain omissions of notice before March 1, 1989 could be cured under the **1976 Act**. See **Section 2203.4**.

For a definition and discussion of **publication**, see **Chapter 1900**.

2203.2 Visually Perceptible Copies

Prior to March 1, 1989, a notice was required for visually perceptible copies of a work **published** with the authority of the copyright owner. Copies are “material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or indirectly with the aid of a machine or device.” **17 U.S.C. § 101** (definition of “copies”).

A copy is considered visually perceptible if the work is fixed in a tangible medium of expression and if the work can be visually perceived, either directly or with the aid of a machine or device. Examples of works fixed in visually perceptible copies include books, sheet music, and photographs. By contrast, a literary, dramatic, or musical work fixed in a phonorecord is not considered a visually perceptible copy of that work.

2203.3 Phonorecords

Prior to March 1, 1989, a notice was required when a U.S. **sound recording** was **published on phonorecords** with the authority of the copyright owner.

There is a fundamental distinction between a sound recording and a phonorecord. A sound recording is a work of authorship that results from the **fixation** of a series of sounds, such as a recording of a song, a recording of a speech, or other types of audio recordings. By contrast, a phonorecord is a material object that contains a sound recording, such as a vinyl disc, cassette, compact disc, digital audio file (e.g., .mp3, .wav), or other recording medium. Specifically, the Copyright Act defines phonorecords as “material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.” **17 U.S.C. § 101** (definition of “phonorecords”).

Although notice was required for U.S. sound recordings, notice was not required when a musical work, literary work, or dramatic work was published on phonorecords, because a phonorecord is not a visually perceptible copy of these types of works.

Compare Copyright Act of 1976, §402(a), 90 Stat. 2541, 2577 (1976) (stating that whenever a sound recording “is published in the United States or elsewhere by authority of the copyright owner” a notice “shall be placed on all publicly distributed phonorecords of the sound recording”) *with id.* § 402(a), 90 Stat. at 2576 (stating that “[w]henver a work protected under this title is published in the United States or elsewhere by authority of the copyright owner,” a notice “shall be placed on all publicly distributed copies from which the work can be visually perceived”).

2203.4 Omission of Notice on Works First Published Between January 1, 1978 and February 28, 1989

The omission of a notice on a work **published** between January 1, 1978 and February 28, 1989 with the authority of the copyright owner does not invalidate the copyright, provided that one of the following conditions has been met:

- The notice was omitted from no more than a relatively small number of **copies** or **phonorecords** distributed to the public; or
- The work was registered before or within five years after the **publication** without notice and a reasonable effort was made “to add notice to all copies or phonorecords that are distributed to the public in the United States after the omission has been discovered;” or
- The omission was “in violation of an express requirement in writing that, as a condition of the copyright owner’s authorization of the public distribution of copies or phonorecords, they bear the prescribed notice.”

17 U.S.C. § 405(a). Likewise, the omission of a notice on a work published between January 1, 1978 and February 28, 1989 does not invalidate the copyright in that work if the notice was removed from the copies or phonorecords without the authorization of the copyright owner. See **17 U.S.C. § 405(c)**.

2204 The Form of the Notice

2204.1 Notice for Works Fixed in Copies

A notice for a work **published** before March 1, 1989 that has been **fixed** in copies should include the following elements:

- The symbol © or the word “Copyright” or the abbreviation “Copr.”;
- The year of first publication for the work; and
- The name of the copyright owner, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.
- **17 U.S.C. § 401(b)**. Each of these terms are discussed in Sections **2204.4** and **2205** below. The elements of the notice should appear as a single continuous statement containing the copyright symbol or the word “Copyright” or the abbreviation “Copr.,” followed by the year of first publication, followed by the name of the copyright owner.

Examples:

- © 1978 John Doe
- Copyright 1980 John Doe
- Copr. 1982 John Doe

In the case of a pictorial, graphic, or sculptural work, the year of publication may be omitted if the work is reproduced on greeting cards, postcards, stationery, jewelry, dolls, toys, or any useful article.

2204.2 Notice for Sound Recordings Fixed on Phonorecords

A notice for a **sound recording fixed** in **phonorecords** and **published** before March 1, 1989 should include the following elements:

- The symbol © (*i.e.*, the letter P in a circle);
- The year of first publication; and
- The name of the copyright owner for the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

17 U.S.C. § 402(b). Each of these terms are discussed in Sections **2204.4** and **2205** below. The elements of the notice should appear as a single continuous statement containing the © symbol, followed by the year of first publication, followed by the name of the copyright owner.

Example:

- © 1984 John Doe Records

If the producer of the sound recording is named on the labels or containers for the phonorecord, and if no other name appears in conjunction with the notice, the producer's name is considered part of the notice. *See id.*

2204.3 Omission of the © or © Symbol or the Word “Copyright”

If a U.S. work was publicly distributed by authority of the copyright owner between January 1, 1978 and February 28, 1989, and if the **copies** or **phonorecords** do not contain the word “Copyright,” the abbreviation “Copr.,” or an appropriate symbol that could reasonably be regarded as part of the notice, the U.S. Copyright Office considers the work to be **published** without any notice. *See 17 U.S.C. § 405.*

2204.4 Variations on the © or © Symbol or the Word “Copyright”

Some variants on the symbols © or © or the word “copyright” may be acceptable and the use of such variants may not result in a defective notice. By contrast, an unacceptable variant will be treated as an omission of the notice.

2204.4(A) Variants for the © Symbol

A variant of the symbol © is acceptable only if it resembles the © closely enough to indicate clearly that the variant is intended to be the copyright symbol. Acceptable variants include:

- The letter c with a parenthesis over the top.
- The letter c with a parenthesis under the bottom.
- (c)

- c)
- (c)
- The letter c with an unenclosed circle around it.

Examples of unacceptable variants on the © symbol include the following:

- CO
- C
- C/O
- @ (*i.e.*, the letter a in a circle).
- The letter c with a circle attached to the bottom of the letter.
- The letter c in a square.
- [c]

2204.4(B) Variants for the ® Symbol

A variant of the symbol ® is acceptable only if it resembles the ® closely enough to indicate clearly that the variant is intended to be the symbol for a **sound recording** copyright. Acceptable variants include:

- The letter P with a parenthesis over the top.
- The letter P with a parenthesis under the bottom.
- (P)
- P)
- (P)
- The letter P with an unenclosed circle around it.

2204.4(C) Variants for the Word “Copyright”

A misspelled or variant form of the word “Copyright” or the abbreviation “copr.” may be accepted if it is clear that the term is intended to be “copyright.” Acceptable variants include:

- Copyrighted
- Copywrite
- Copywritten

- Copyright Pending
- Copyright Applied For
- Copyright and Registered
- Registered U.S. Copyright Office
- Copy
- Copyr.

The term “All Rights Reserved” or the like is not an element of the notice prescribed by U.S. law, and it is not an acceptable variant or substitute for the word “copyright” or the abbreviation “Copr.” The same is true for similar statements in other languages, such as “Todos los Derechos Reservados.” However, the use of such terms in juxtaposition with an acceptable notice is permitted.

Examples:

- Copyright 1986 Frontier Medicine. All Rights Reserved.
- © 1988 Abigail Villagros de Izaguirra. Todos los Derechos Reservados.

2205 Elements of Notice

2205.1 Year

2205.1(A) Year of Publication

As a general rule, the notice on visually perceptible **copies** and on **phonorecords of sound recordings** must include the year of first **publication**. The notice on copies of a **compilation** or **derivative work** incorporating previously published material only requires the year of first publication for the compilation or derivative work. **17 U.S.C. §§ 401(b)(2), 402(b)(2)**.

A notice may be accepted if the year of publication is presented in any of the following forms:

- Arabic numerals (*e.g.*, 1981).
- Abbreviations of Arabic numerals (*e.g.*, '81).
- Roman numerals (*e.g.*, MCMLXXXI).
- Numeric words (*e.g.*, Nineteen Hundred Eighty-One).
- The year of first publication followed by multiple year dates (*e.g.*, 1981, 1982, 1983).

2205.1(B) Year of Publication Omitted

If a U.S. work was publicly distributed by authority of the copyright owner between January 1, 1978 and February 28, 1989, and if the **copies** or **phonorecords** contain no year date that could reasonably be regarded as part of the notice, the U.S. Copyright Office considers the work to be **published** without any notice.

2205.1(C) Antedated Notice: Date in the Notice Earlier than the Actual Year of First Publication

An antedated notice is a notice that contains a date that is earlier than the year that the work was first **published**.

Example:

- Monster Trucks, Inc. first published a parts catalog in 1986 with an antedated notice that reads: “© 1985 Monster Trucks.”

If a U.S. work was publicly distributed by authority of the copyright owner between January 1, 1978 and February 28, 1989 with an antedated notice, it is considered an error in the date. This error does not affect the validity of the copyright in that work. **17 U.S.C. § 406(b), (c)**.

If the date in the notice is only one year (or less) earlier than the date of publication specified in the application, the **registration specialist** will register the **claim** and will add an **annotation**, such as: “Regarding publication: year date in notice ____.” If the date is two or more years earlier than the date of publication specified in the application, the specialist will communicate with the **applicant** to determine if the publication date is correct. If the date specified in the application is incorrect, the specialist may add the correct date to the application, register the claim, and add a note to the registration record. If the date specified in the application is correct and the work is not a **derivative work**, the registration specialist will register the claim and add an annotation, such as: “Regarding publication: year date in notice ____ . Publication date confirmed correct in phone call/email with ____ on ____.”

NOTE: Using an antedated notice in an **anonymous** work, **pseudonymous** work, or **work made for hire** may affect the term of the copyright if the work was first published in the United States between January 1, 1978 and February 28, 1989. In such cases, the term is computed from the year of publication that appears in the notice, rather than from the actual year of first publication.

2205.1(D) Postdated Notice: Date in the Notice Later than the Actual Year of First Publication

A postdated notice is a notice that contains a date that is later than the year that the work was first **published**.

Example:

- A song book first published in 1985 with a postdated notice that reads: “Copyright 1986 Arpeggio Music.”

If a work was publicly distributed by authority of the copyright owner with a postdated notice between January 1, 1978 and February 28, 1989, it is considered an error in the date. **17 U.S.C. § 406(b), (c)**.

If the date in the notice is no more than one year later than the date of publication specified in the application, the **registration specialist** generally will register the **claim** without communicating with the **applicant**, although he or she will add an **annotation** to the record, such as: “Regarding publication: year date in notice ____.”

If a U.S. work was publicly distributed by authority of the copyright owner between January 1, 1978 and February 28, 1989, and if the date in the notice is two or more years later than the year in which the work was first published, the U.S. Copyright Office considers the work to be published without any notice. If the work is submitted for registration more than five years after the date of first publication, the registration specialist will refuse to register the claim if he or she determines that the work is a U.S. work.

NOTE: This policy equally applies to certain works of visual art, such as jewelry, dolls, or toys that contain a postdated notice, notwithstanding the fact that a year date is not required in the notice for such works.

2205.1(E) Dispersed Date in a Notice

A year of **publication** that is separated from the rest of the notice may be acceptable if it is an appropriate date and if it is reasonably identifiable as part of the notice. For example, an appropriate year of publication may be acceptable if it is the only date that appears on the same page as the other elements of the notice.

Likewise, a year of publication that is prominently displayed elsewhere on **copies** or **phonorecords** may be acceptable if it is an appropriate date and if it can reasonably be considered part of the notice. For instance, the U.S. Copyright Office may accept a date that appears in the “Library of Congress Cataloging in Publication Data” or in the year of issue for a periodical, even if the date does not appear on the same page as the rest of the notice.

In those cases where a year is required and no year of publication can be reasonably identified as part of the notice, the Office will consider the work to be published without notice.

2205.1(F) Multiple Dates in a Notice

If the notice contains two or more dates and if none of those dates represent the year of first **publication**, the **registration specialist** will use the most recent date to determine if the work was published with an adequate notice.

If the notice contains earlier dates as well as the actual year of first publication, the specialist may communicate with the **applicant** if it appears that the work is a **derivative work** and the earlier dates refer to the date of publication for an earlier version(s) or edition(s) of the work. In this case the specialist will ask the applicant to complete the Limitation of Claim field/space in order to limit the **claim** to the new material appearing in the derivative work for the first time. Likewise, the specialist may communicate with the applicant if it appears that the earlier dates refer to the date of registration for any unclaimable material that has been incorporated into the work.

2205.2 Name

2205.2(A) Name of Copyright Owner

As a general rule, the copyright notice on both copies and **phonorecords** must include one of the following:

- The name of the owner of copyright in the work or an abbreviation by which the name can be recognized, or
- A generally known alternative designation of the owner.

17 U.S.C. §§ 401(b)(3), 402(b)(3).

Ordinarily, the U.S. Copyright Office will not communicate with the **applicant** if the name in the notice appears sufficient to identify the copyright owner.

2205.2(B) Name of Copyright Owner Omitted

If a U.S. work was publicly distributed by authority of the copyright owner between January 1, 1978 and February 28, 1989 and if the notice does not contain a name that could reasonably be considered a part of the notice, the U.S. Copyright Office considers the work to be **published** without any notice.

2205.2(C) Owner Named in the Notice

For purposes of notice, the copyright owner is the “**claimant**” or proprietor of all rights at the time the work was **published**. For purposes of registration, the copyright claimant must be (i) the author of the work or (ii) a person or organization that has obtained all the **exclusive rights** of copyright that initially belonged to the author.

In most cases, the name provided in the application will be the same as the name that appears in the notice. In some cases, the claimant named in the application and the copyright owner named in the notice may be different. Both names may be correct, provided that the copyright was assigned to the copyright claimant between the date that the work was first published and the date that the application was submitted to the U.S. Copyright Office. In such situations, a **transfer statement** must be provided in the application.

If the claimant named in the application does not appear to be the author or owner of all U.S. rights in the work based on information provided elsewhere in the registration materials or obtained from other sources, the specialist will communicate with the **applicant** to resolve any inconsistency between the name provided in the application and the name in the notice.

2205.2(D) Variants, Abbreviations, Alternative Designations, or Pseudonyms for the Copyright Owner

A notice may contain an abbreviation by which the copyright owner can be recognized or a generally known alternative designation. In such cases, the **applicant** should provide the legal name of the **claimant** and specify the relationship between the legal name and the name that appears in the notice.

A recognizable abbreviation for the copyright owner's full name typically contains an abbreviation for each significant word in that name.

Example:

- “Merc. Rec.” for Mercury Records Corporation.

A generally known alternative designation for the copyright owner's full name may contain part of that name, the copyright owner's well-known initials, or a completely different name.

Examples:

- “Atlantic” for Atlantic Recording Corporation.
- “NBC” for National Broadcasting Company.
- “Melodium” for Genius Recording Co.

If the notice appears to identify the copyright owner to people who are likely to obtain **copies** or **phonorecords** of the work, the notice will be considered acceptable.

Likewise, if the name appearing in the notice is a **pseudonym** for an individual who is named in the application as a copyright claimant, the notice will be considered acceptable if the claimant is generally known by that pseudonym.

If the name, abbreviation, or alternative designation in the notice is so vague, truncated, or ambiguous that it could not identify any person or entity as a copyright owner, the U.S. Copyright Office will consider the work to be **published** without any name in the notice.

2205.2(E) Deceased Person Named in the Notice

A deceased person cannot own copyright or any other property. If the work was **published** during the owner's lifetime and the name provided in the notice was correct, and if the work is submitted for registration after the owner's death, the **applicant** must name the owner of all rights at the time the application is submitted for registration and provide a **transfer statement** explaining how that party obtained ownership of the copyright.

If the U.S. Copyright Office has reason to believe that the person named in the notice died before the first publication of the work, the Office will treat this as an error in the notice. If the publication was authorized by the copyright owner, the error will not affect the validity or ownership of the copyright in the work. However, it may allow a third party to assert an innocent **infringement** defense unless one of the following events has occurred:

- The work was registered in the name of the copyright owner before the alleged infringement began; or
- A document executed by the person named in the notice showing the ownership of the copyright was recorded before the alleged infringement began.

See [17 U.S.C. § 406\(a\)](#).

2205.2(F) Copyright Owner Identified by Reference

A notice that identifies the copyright owner by reference, such as “copyright by author” or “copyright by publisher,” is acceptable if the [copies](#) or [phonorecords](#) contain a name, abbreviation, or a generally known designation that identifies the copyright owner as the author, the publisher, or another person or legal entity.

If the copies or phonorecords do not contain the name, an abbreviation of the name, or generally known designation that identifies the copyright owner, the U.S. Copyright Office considers the work to be [published](#) without notice. [17 U.S.C. § 406\(c\)](#).

2205.2(G) Multiple Names in the Notice

When two or more names appear in the notice, but only one of those parties is named in the application as the [copyright claimant](#), the [registration specialist](#) generally will register the [claim](#) without communicating with the [applicant](#).

2205.2(H) Name of the Copyright Owner Separated from Other Elements in the Notice

If the [copies](#) or [phonorecords](#) contain a name, abbreviation, or generally known alternative designation for the copyright owner that is separated from the other elements of the notice, the notice may be accepted, provided that the name can reasonably be considered part of the notice.

If the copies or phonorecords contain two or more names, abbreviations, or alternative designations that are equally identifiable with the rest of the notice, the notice may be accepted if any of those names, abbreviations, or alternative designations is capable of identifying any person or entity as a copyright owner.

If none of the names, abbreviations, or alternative designations is identifiable with the rest of the notice, the U.S. Copyright Office considers the work to be [published](#) without any notice.

2205.2(I) Error in the Name of the Copyright Owner

When the person named in the notice was authorized by the copyright owner to publish the work, but is not the actual copyright owner, it is considered to be an error in the name. This does not affect the validity or ownership of the copyright. In such cases, the work may be registered at any time before the copyright expires, provided that the [applicant](#) identifies the [claimant](#) who owns the copyright at the time when the application is submitted to the U.S. Copyright Office.

17 U.S.C. § 406(a).

2206 Affixation of the Notice

2206.1 Affixation and Position of the Notice

The Copyright Act states that the notice shall be affixed on publicly distributed **copies** and **phonorecords** in such a manner and in a location that provides reasonable notice to the public of the **claim** to copyright.

In all cases, the acceptability of a notice depends upon its being permanently legible to an ordinary user of the work and affixed to the copies in such manner and position that it is not concealed from view upon reasonable examination.

2206.2 Affixation of Notice on Copies

If a notice is not affixed to **copies** or **phonorecords** in such manner and location as to give reasonable notice of the **claim** to copyright, the U.S. Copyright Office considers the work to be **published** without notice. 17 U.S.C. §§ 401(c), 402(c).

2206.3 Affixation of Notice on Phonorecords

When a work is publicly distributed on **phonorecords**, a notice shall be placed on the surface of the phonorecord or on the label or container for the phonorecord in such manner and location as to give reasonable notice of the **claim** to copyright. 17 U.S.C. § 402(c).

2206.4 Handwritten, Typewritten, or Rubber-Stamped Notice on Published Copies or Phonorecords

As a general rule, if a handwritten, typewritten, or rubber-stamped notice appears on **copies** or **phonorecords** of a work **published** between January 1, 1978 and February 28, 1989, the U.S. Copyright Office may ask the **applicant** whether a similar notice appeared on all the copies or phonorecords when the work was first published.

2206.5 Legibility of the Notice

A blurred notice may be acceptable if it is legible, but a notice that is so badly blurred as to be illegible will be treated as an omission of notice.

2206.6 Microscopic Notice

In general, a notice that is so small that it cannot be read without a magnifying glass is considered unacceptable and will be treated as if the work was **published** without notice, unless the work

itself requires magnification for its ordinary use and provided that the notice is readable when the work has been magnified.

2206.7 Concealed Notice

A concealed notice that is permanently covered so that it cannot be seen without damaging or tearing the work apart is unacceptable. The U.S. Copyright Office considers such works to be **published** without notice. To be acceptable, a notice must be legible to an ordinary user of the work under normal conditions of use and affixed to the copies in such a manner and position that when affixed it is not concealed from view upon reasonable examination by the Office or the ordinary user. See [17 U.S.C. §§ 401\(c\), 402\(c\)](#).

Examples:

- A notice on the margin or back of a painting that is concealed under a permanent frame or mat is unacceptable.
- A notice on the bottom of a figurine that is cemented on a base so that the notice is concealed is unacceptable.

2206.8 Notice Visible Upon Ordinary Use

A notice that is not visible on casual inspection of the work may be acceptable if the notice becomes visible in the ordinary use of the work.

Example:

- A notice for a **computer program** that becomes visible when the program is run.

2207 Location and Placement of the Notice

The Copyright Act directs the **Register of Copyrights** to adopt specific regulations for the placement of copyright notice for various works. [17 U.S.C. § 401\(c\)](#). These regulations are found at [37 C.F.R. § 201.20](#).

2207.1 Literary Works

As explained in Section [2202.2](#), notice is optional for works published on or after March 1, 1989. Prior to that date, a notice was required when a U.S. **literary work** was publicly distributed in visually perceptible copies, such as a book or a magazine. When a notice is included on a copy of a literary work, it is considered acceptable if it appears in any of the locations described in Sections [2207.1\(A\)](#) through [2207.2](#).

NOTE: For purposes of this Section, the term “leaf” means a sheet of paper or the like, that may exist as a separate item or as a part of a book or similar publication. A “page” is a single side of a leaf.

2207.1(A) Literary Works Published in Book Form

In the case of works **published** in book form, a notice is acceptable if it appears on the copies in any of the following positions:

- The title page, if any.
- The page immediately following the title page, if any.
- Either side of the front cover, if any, or if there is no front cover, on either side of the front leaf of the copies.
- Either side of the back cover, if any, or if there is no back cover, either side of the back leaf of the copies.
- The first page of the main body of the work.
- The last page of the main body of the work.
- Any page between the front page and the first page of the main body of the work, if (i) there are no more than ten pages between the front page and the first page of the main body of the work, and (ii) the notice is reproduced prominently and is set apart from the other matter on the page where it appears.
- Any page between the last page of the main body of the work and the back page, if (i) there are no more than ten pages between the last page of the main body of the work and the back page, and (ii) the notice is reproduced prominently and is set apart from the other matter on the page where it appears.

37 C.F.R. § 201.20(d)(1)-(8).

2207.1(B) Single Leaf Works

In the case of a **literary work** consisting of a single leaf, a **notice** is acceptable if it is reproduced in the copies anywhere on the front or back of the leaf. 37 C.F.R. § 201.20(e).

2207.1(C) Dust Jackets

A notice of copyright on the dust jacket of a book is not an acceptable notice for the book, because the dust jacket is not permanently attached to the book. Likewise, a notice appearing in a book is not an acceptable notice for the dust jacket or any material appearing on that dust jacket, even if the book refers to the jacket or material appearing on the jacket.

2207.1(D) Literary Works Embodied in Phonorecords

A notice is not required for **literary works** published solely in **phonorecords**, because phonorecords are not considered visually perceptible copies of such works.

2207.1(E) Periodicals or Other Serials

The notice for a work **published** as an issue of a periodical or other serial may be acceptable if it appears in any of the locations discussed in Section 2207.1(A) or if it is located:

- As part of, or adjacent to, the masthead, or on the page containing the masthead; or
- Adjacent to a prominent heading, appearing at or near the front of the issue, containing the title of the periodical or other **serial** and any combination of the volume and issue number and date of the issue.

37 C.F.R. § 201.20(d)(1)-(9).

2207.2 Contributions to Collective Works

A general notice for a **collective work** as a whole covers the separate contributions that it contains (regardless of ownership), except for any advertisements inserted on behalf of persons other than the copyright owner for the collective work.

In addition, a separate notice for a contribution to a collective work may be acceptable if it appears in any of the following positions:

- Where the contribution is reproduced on a single page, a notice is acceptable if it appears (i) under the title of the contribution on that page; (ii) adjacent to the contribution; or (iii) on the same page if through format, wording, or both, the application of the notice to the particular contribution is made clear.
- Where the contribution is reproduced on more than one page of the collective work, a notice is acceptable if it appears (i) under a title appearing at or near the beginning of the contribution; (ii) on the first page of the main body of the contribution; (iii) immediately following the end of the contribution; or (iv) on any of the pages where the contribution appears, provided that the contribution is reproduced on no more than twenty pages of the collective work; the notice is reproduced prominently and is set apart from other matter on the page where it appears; and through format, wording, or both, the application of the notice to the particular contribution is made clear.

Alternatively, a separate notice for a contribution to a collective work may be acceptable if it clearly appears in juxtaposition with a separate listing of the contribution by full title and author and is located either:

- On the page bearing the notice for the collective work as a whole (if any); or
- In a clearly identified and readily accessible table of contents or listing of acknowledgments appearing near the front or back of the collective work.

If the contribution is a musical work, a notice is acceptable if it appears in any of the locations discussed above or if it is located on the first page of music for the contribution. 37 C.F.R. § 201.20(f).

If a collective work was publicly distributed with a notice for the collective work as a whole—but without a separate notice for the contributions to that work—the notice covers the contribu-

tions, even if the copyright owner named in the notice is not the copyright owner of those contributions (except for advertisements inserted on behalf of persons other than the owner of the collective work).

2207.3 Musical Works

2207.3(A) Musical Works Embodied in Copies

As explained in Section 2202.2, notice is optional for works published on or after March 1, 1989. Prior to that date, a notice was required when a U.S. musical work was publicly distributed in visually perceptible copies, such as sheet music or liner notes. When a notice is included on a copy of a musical work, it is considered acceptable if it appears in any of the locations described in Sections 2207.1(A) or 2207.1(E) or if the notice appears on the first page of the music. 37 C.F.R. § 201.20(d)(1)-(10).

2207.3(B) Musical Works Embodied in Phonorecords

A notice is not required for musical works published solely in **phonorecords**, because phonorecords are not considered visually perceptible copies of such works.

2207.4 Sound Recordings

As explained in Section 2202.2, notice is optional for works published on or after March 1, 1989. Prior to that date, a notice was required when a U.S. **sound recording** was publicly distributed on **phonorecords**, such as an album or cassette.

When a notice is included on a phonorecord that contains a sound recording, the notice is considered acceptable if it appears anywhere on the surface of the phonorecord or the phonorecord label or container. 17 U.S.C. § 402(c). A container includes the jacket housing a disc, or the box or jewel case housing a cassette or compact disc, but does not include an outer mailing or packaging box, envelope, or other wrapper intended for disposal once the phonorecord is put into use.

If the label(s) or container(s) for the phonorecord identify the producer of the sound recording and “if no other name appears in conjunction with the notice, the producer’s name shall be considered as part of the notice.” 17 U.S.C. § 402(b)(3).

Example:

- An application names Doe Recording Co. as author of the sound recording published in 1981. The work made for hire box is checked “yes.” The following notice appears on the left side of the label on a 45 rpm disk: “© 1981.”
- The following statement appears on the right side of the label: “Doe Recording Company, Produced and arranged by Jay Jones.”
- The following statement appears along the bottom of the label: “Mfg. by Doe Recording Co.”

2207.5 Dramatic Works

2207.5(A) Dramatic Works Embodied in Copies

As explained in Section 2202.2, notice is optional for works published on or after March 1, 1989. Prior to that date, a notice was required when a U.S. dramatic work was publicly distributed in visually perceptible copies, such as a script. When a notice is included on a copy of a dramatic work, it is considered acceptable if it appears in any of the locations described in Sections 2207.1(A) or 2207.1(E) or if the notice appears on the first page of the work.

2207.5(B) Dramatic Works Embodied in Phonorecords

A notice is not required for dramatic works published solely in **phonorecords**, because phonorecords are not considered visually perceptible copies of such works.

2207.6 Motion Pictures and Other Audiovisual Works

Acceptable methods for affixing and positioning the notice on a **motion picture** or other **audiovisual work** include:

- A notice that is embodied in the copies by a photomechanical or electronic process, in such a position that it ordinarily would appear whenever the work is performed in its entirety, and that is located:
 - with or near the title;
 - with the cast, credits, and similar information;
 - at or immediately following the beginning of the work; or
 - at or immediately preceding the end of the work.
- In the case of a motion picture or other audiovisual work that is distributed to the public for private use, the notice may be affixed, in any of the locations listed above, or on the housing, or container if it is a permanent receptacle for the work.
- In the case of an untitled motion picture or other audiovisual work whose duration is sixty seconds or less, a notice is acceptable if it appears in any of the locations listed above or if it is embodied in the copies by a photomechanical or electronic process in such a position that it ordinarily would appear to the projectionist or broadcaster when preparing the work for performance, provided that it is located on the leader of the film or tape immediately preceding the beginning of the work.

37 C.F.R. § 201.20(h).

2207.7 Pictorial, Graphic, and Sculptural Works

Acceptable methods for affixing and positioning the notice on a pictorial, graphic, or sculptural work include:

- Where a work is reproduced in two-dimensional copies, a notice is acceptable if it is affixed directly or by means of a label cemented, sewn, or otherwise attached durably, so as to withstand normal use, on the front or back of the copies, or to any backing, mounting, matting, framing, or other material to which the copies are durably attached, so as to withstand normal use, or in which they are permanently housed.
- Where a work is reproduced in three-dimensional copies, a notice is acceptable if it is affixed directly or by means of a label cemented, sewn, or otherwise attached durably, so as to withstand normal use, to any visible portion of the work, or to any base, mounting, framing, or other material on which the copies are durably attached, so as to withstand normal use, or in which they are permanently housed.

37 C.F.R. § 201.20(i)(1)-(2).

2207.7(A) Works of Unusual Size or Characteristics

If it is impossible or extremely impractical to affix a notice directly to the copies or by means of a durable label because of the size or physical characteristics of the material in which the work is reproduced, a notice is acceptable if it appears on a tag that is of durable material, so as to withstand normal use, and if it is attached to the copy with sufficient durability that it will remain with the copy while it is passing through its normal channels of commerce. 37 C.F.R. § 201.20(i)(3).

2207.7(B) Works Consisting of Sheet-Like or Strip Material

Where a work is reproduced in copies consisting of sheet-like or strip material bearing multiple or continuous reproductions of the work, the notice may be applied to:

- The reproduction itself; or
- The margin, selvage, or reverse side of the material at frequent and regular intervals; or
- If the material contains neither a selvage nor a reverse side, to tags or labels attached to the copies and to any spools, reels, or containers housing them in such a
- way that a notice is visible while the copies are passing through their normal channels of commerce.

37 C.F.R. § 201.20(i)(4).

2207.7(C) Works with Separable Parts Published in a Permanent Container

As a general rule, when the separate component parts of a work are permanently housed in a container, such as a game or puzzle box, a single, general notice reproduced on the permanent container is acceptable for the visually perceptible parts. [37 C.F.R. § 201.20\(i\)\(5\)](#).

2207.7(D) Reversible Works

In the case of a mold, decal, or other work that is the reverse of the product that is intended to result from its use, a notice is acceptable even if it is printed in reverse.

2207.7(E) Year of First Publication Omitted

The year of publication may be omitted from a notice when a pictorial, graphic, or sculptural work with accompanying text (if any) is reproduced in or on greeting cards, postcards, stationery, jewelry, dolls, toys, or a useful article.

NOTE: A label is not considered a useful article for these purposes. Textiles and fabrics are useful articles, but they do not require a year of publication. When a copyright notice for a textile or a fabric is contained on a label affixed to the textile or fabric and the year of publication is omitted from the notice, the notice is acceptable with respect to the textile or fabric.

2207.8 Multi-Part Works

One notice per **unit of publication** is adequate for multi-part works (e.g., box sets, multimedia kits, score, and parts) **published** in **copies** or **phonorecords**, provided that a proper notice is used and it is affixed in a manner and location that gives reasonable notice of the **claim** to copyright in the entire unit of publication.

Although one notice per unit of publication is legally sufficient, placing a notice on each part of a multi-part work ensures that the public is put on notice that the copyright owner has asserted a claim to copyright in each part of the unit.

Examples:

- A notice on the first disk of a twelve disc collection is acceptable for the entire collection, but a notice on the sixth disc of a twelve disc collection is only acceptable for that disc.
- A notice properly positioned on a unit consisting of a musical score and parts is acceptable for the entire unit, but a notice only on one or more of the parts is acceptable only for those parts.
- A notice on the permanent container or box for a multimedia kit is acceptable.

2207.9 Works Published in Machine-Readable Copies

For works **published** in machine readable copies, such as semiconductor chips, optical discs, magnetic tapes, or similar storage media that cannot ordinarily be perceived without the aid of a machine or device, a notice may be acceptable if it appears in the following manner:

- The notice is embodied in visually perceptible printouts of the work, provided that it appears either with or near the title or at the end of the work.
- The notice is displayed at the user’s terminal at sign-on.
- The notice continuously appears on a terminal display.
- The legible notice is reproduced durably, so as to withstand normal use, on a gummed or other label securely affixed to the copies or to a box, reel, cartridge, cassette, or other container used as a permanent receptacle for the copies.

37 C.F.R. § 201.20(g).

NOTE: Works that require the use of a machine or device to optically enlarge the work, such as films, filmstrips, and works published in any variety of microfilm, are not considered machine-readable works.

2208 Government Works

Protection under the Copyright Act is not available for any work of the United States government. However, if a work consists of both a work of the United States government and a work protectable under the Copyright Act, the notice should contain a statement identifying those portions of the **copies** or **phonorecord** that do or do not contain work(s) that are protected under the Copyright Act. 17 U.S.C. §§ 105, 403.

If the work was **published** on or after March 1, 1989, the U.S. Copyright Office may register the **claim** even if this statement does not appear in the notice. By contrast, if the work was published between January 1, 1978 and February 28, 1989, the failure to include this statement may be considered an omission of the notice.

2209 General, Specific, and Restricted Notice

2209.1 General and Specific Notice

A general notice is a notice that contains the elements listed in Sections 2204.1 or 2204.2 (e.g., © 1981 John Doe). A specific notice is a notice that identifies the portions or features of the work that belong to the copyright owner (e.g., “Introduction and illustrations © 1981 Popular Publishing Co.” or “Arrangement © 1981 Newstyle Music Co.”).

A general notice may be used on a work of authorship, even if the **claim** is limited to a specific portion of that work, such as the introduction to a biography or the new material that appears in the second edition of a textbook.

If the work contains a specific notice that identifies specific aspects of the work, the **registration specialist** may communicate with the **applicant** if those aspects are not reflected in the application or if the claim is unclear.

2209.2 Restricted Notice

A restricted notice is a notice that contains a statement indicating that the notice does not cover certain material that appears in the work.

Example:

- “Copyright 1980 XYZ Publisher, no copyright claimed in illustration.”

If the notice specifies only the material that has been excluded from the **claim**, the **registration specialist** may add an **annotation** to the registration record, such as: “Regarding deposit: in notice: [quote notice that appears on the deposit copy].”