

§ 201.40

37 CFR Ch. II (7-1-02 Edition)

Notice to Libraries and Archives of Normal Commercial Exploitation or Availability at Reasonable Price

1. Title of the work (or, if untitled, a brief description of the work):

2. Author(s) of the work:

3. Type of work (e.g. music, motion picture, book, photograph, illustration, map, article in a periodical, painting, sculpture, sound recording, etc.):

4. Edition, if any (e.g., first edition, second edition, teacher's edition) or version, if any (e.g., orchestral arrangement, English translation of French text). If there is no information available relating to the edition or version of the work, the Notice should state, "No information available":

5. Year of first publication:

6. Year the work first secured federal copyright through publication with notice or registration as an unpublished work:

7. Copyright renewal registration number (not required for foreign works restored under 17 U.S.C. 104A):

8. Full legal name of the copyright owner (or the owner of exclusive rights):

9. The person or entity identified in space #8 owns:
[] all rights.

[] the following rights (e.g., the right to reproduce/distribute/publicly display/publicly perform the work or to prepare a derivative work):

10. Person or entity that the Copyright Office should contact concerning the Notice:

- [] Name:
[] Address:
[] Telephone:
[] Fax number (if any):
[] E-mail address (if any):

11. Person or entity that libraries and archives may contact concerning the work's normal commercial exploitation or availability at a reasonable price:

- [] Name:
[] Address:
[] Telephone:
[] Fax number (if any):
[] E-mail address (if any):

Additional Content (OPTIONAL):

12. Original copyright registration number:

13. Additional information concerning the work's normal commercial exploitation or availability at a reasonable price:

Declaration:

I declare under penalty of perjury under the laws of the United States:

- [] that each work identified in this notice is subject to normal commercial exploitation.

- [] that a copy or phonorecord of each work identified in this notice is available at a reasonable price.

Signature: _____

Date: _____

[] Typed or printed name: _____

[] Title: _____

APPENDIX B TO § 201.39—REQUIRED FORMAT FOR CONTINUATION SHEET

NLA CON

Page ___ of ___ Pages.

Continuation Sheet for NLA Notice to Libraries and Archives of Normal Commercial Exploitation or Availability at Reasonable Price

1. Title of the work (or, if untitled, a brief description of the work):

2. Type of work (e.g. music, motion picture, book, photograph, illustration, map, article in a periodical, painting, sculpture, sound recording, etc.):

3. Edition, if any (e.g., first edition, second edition, teacher's edition) or version, if any (e.g., orchestral arrangement, English translation of French text). If there is no information available relating to the edition or version of the work, the Notice should state, "No information available":

4. Copyright renewal registration number (not required for foreign works restored under 17 U.S.C. 104A):

Additional Content (OPTIONAL):

5. Original copyright registration number:

6. Additional information concerning the work's normal commercial exploitation or availability at a reasonable price:

[63 FR 71787, Dec. 30, 1998, as amended at 66 FR 34373, June 28, 2001]

§ 201.40 Exemption to prohibition against circumvention.

(a) General. This section prescribes the classes of copyrighted works for which the Librarian of Congress has determined, pursuant to 17 U.S.C. 1201(a)(1)(C) and (D), that noninfringing uses by persons who are users of such works are, or are likely to be, adversely affected. The prohibition against circumvention of technological measures that control access to copyrighted works set forth in 17 U.S.C. 1201(a)(1)(A) shall not apply to such users of the prescribed classes of copyrighted works.

(b) Classes of copyrighted works. Pursuant to the authority set forth in 17

U.S.C. 1201(a)(1)(C) and (D), and upon the recommendation of the Register of copyrights, the Librarian has determined that two classes of copyrighted works shall be subject to the exemption found in 17 U.S.C. 1201(a)(1)(B) from the prohibition against circumvention of technological measures that effectively control access to copyrighted works set forth in 17 U.S.C. 1201(a)(1)(A) for the period from October 28, 2000 to October 28, 2003. The exempted classes of works are:

(1) Compilations consisting of lists of websites blocked by filtering software applications; and

(2) Literary works, including computer programs and databases, protected by access control mechanisms that fail to permit access because of malfunction, damage or obsolescence.

[65 FR 64574, Oct. 27, 2000]

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Sec.

202.1 Material not subject to copyright.

202.2 Copyright notice.

202.3 Registration of copyright.

202.4 Effective date of registration.

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202.10 Pictorial, graphic, and sculptural works.

202.11 Architectural works

202.12 Restored copyrights.

202.13–202.16 [Reserved]

202.17 Renewals.

202.18 [Reserved]

202.19 Deposit of published copies or phonorecords for the Library of Congress.

202.20 Deposit of copies and phonorecords for copyright registration.

202.21 Deposit of identifying material instead of copies.

202.22 Acquisition and deposit of unpublished television transmission programs.

202.23 Full-term retention of copyright deposits.

APPENDIX A TO PART 202—TECHNICAL GUIDELINES REGARDING SOUND PHYSICAL CONDITION

APPENDIX B TO PART 202—“BEST EDITION” OF PUBLISHED COPYRIGHTED WORKS FOR THE COLLECTIONS OF THE LIBRARY OF CONGRESS

AUTHORITY: 17 U.S.C. 408, 702.

§ 202.1 Material not subject to copyright.

The following are examples of works not subject to copyright and applications for registration of such works cannot be entertained:

(a) Words and short phrases such as names, titles, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering or coloring; mere listing of ingredients or contents;

(b) Ideas, plans, methods, systems, or devices, as distinguished from the particular manner in which they are expressed or described in a writing;

(c) Blank forms, such as time cards, graph paper, account books, diaries, bank checks, scorecards, address books, report forms, order forms and the like, which are designed for recording information and do not in themselves convey information;

(d) Works consisting entirely of information that is common property containing no original authorship, such as, for example: Standard calendars, height and weight charts, tape measures and rulers, schedules of sporting events, and lists or tables taken from public documents or other common sources.

(e) Typeface as typeface.

[24 FR 4956, June 18, 1959, as amended at 38 FR 3045, Feb. 1, 1973; 57 FR 6202, Feb. 21, 1992]

§ 202.2 Copyright notice.

(a) *General.* (1) With respect to a work published before January 1, 1978, copyright was secured, or the right to secure it was lost, except for works seeking *ad interim* copyright, at the date of publication, i.e., the date on which copies are first placed on sale, sold, or publicly distributed, depending upon the adequacy of the notice of copyright on the work at that time. The adequacy of the copyright notice for such a work is determined by the copyright statute as it existed on the date of first publication.

(2) If before January 1, 1978, publication occurred by distribution of copies or in some other manner, without the statutory notice or with an inadequate notice, as determined by the copyright statute as it existed on the date of first