

Circular 64

Copyright Registration for Secure Tests

WHAT IS A SECURE TEST?

For the purpose of copyright registration, a secure test is a non-marketed 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 “non-marketed” 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)).

REGISTRATION PROCEDURE

To enable copyright claimants to preserve the confidential nature of “secure tests,” the Copyright Office provides in its regulations alternative procedures for registering secure tests and for depositing copies of these tests. To make an appointment with an examiner for the alternative procedure, **telephone the Literary Examining Section at (202) 707-8250** and set up a mutually convenient time to have the material examined.

Once the appointment is made, hand carry the secure test material to the Copyright Office, Public Information Office, Room 401, Library of Congress, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, D.C. An information specialist will notify the Literary Section when you arrive and an examiner will meet with you. The examiner will make a preliminary examination of the complete test in your presence and immediately 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 resolved, a certificate of registration will be mailed to you.

WHAT TO BRING

Copyright registration of a secure test requires three elements:

1. A completed Form TX application
2. A nonrefundable filing fee of \$30* for each registration plus a secure test processing charge of \$60 per hour

(checks should be made payable to Register of Copyrights)

3. A deposit of the work for which registration is sought (see Deposit Requirement below)

*** NOTE: Copyright Office fees are subject to change. For current fees, please check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.**

DEPOSIT REQUIREMENT

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 Examining Division. Generally, the identifying material should consist of a photocopy of the title page of the test booklet and a photocopy of the last page of questions in each booklet with all except a narrow diagonal strip blanked out. The amount of the visible portion must be great enough to reveal that the page contains copyrightable matter. The page number must be visible on the photocopied sheet.

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*
 - either a single slide from the set showing a copyrightable illustration (not text); *or* 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 in machine-readable format or for secure tests that are administered using a traditional print-copy booklet but 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)

These 50 pages may be either the first 25 and last 25 pages of the test or database of test questions; or they may be 50 pages from anywhere within the test or database of questions. (See Notes 1 and 2.)

NOTE 1: The applicant should decide whether he or she prefers a permanent identifying-materials deposit that includes the lesser quantity of test contents normally applied to traditional, print-format tests; or, whether he or she prefers the greater quantity of test contents applied to the category of automated databases.

NOTE 2: 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.

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; *or*
- a photocopy of 50 masked or blocked-out pages of the questions or contents of the test. This must be a masked deposit of the *same* 50 pages submitted for the actual examination.

Unusual test formats may require different identifying material. In such cases, call or write the Copyright Office to discuss particular needs or circumstances.

Warning: 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.

FURTHER INFORMATION

To speak to an information specialist, call (202) 707-3000 (TTY: 707-6737), Monday through Friday 8:30 a.m. to 5:00 p.m., eastern time, excluding federal holidays. Recorded information is available 24 hours a day. Order forms and other publications from:

Library of Congress
Copyright Office
Publications Section, LM-455
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

or call the Forms and Publications Hotline 24 hours a day at (202) 707-9100. Most circulars (but not forms) are available via fax. Call (202) 707-2600 from a touchtone phone and follow the prompts. Access and download circulars, forms, and other information from the Copyright Office website at www.copyright.gov.