

# Appeals Fees

## New Fees for Appeals Regarding Refusals to Register Copyright Claims

Section 410 (b) of the current copyright law provides:

“In any case in which the Register of Copyrights determines that, in accordance with the provisions of this title [United States Code, title 17] the material deposited does not constitute copyrightable subject matter or that the claim is invalid for any other reason, the Register shall refuse registration and shall notify the applicant in writing of the reasons for such refusal.”

An applicant has the right to appeal the Copyright Office’s refusal to register. (See 60 FR 21983-21984 (May 4, 1995)). The following appeal procedure has been in place since 1995:

- All appeals must be in writing and must set forth the reasons why the claim should be registered.
- The **FIRST APPEAL** must be received in the Copyright Office within 120 days of the date of the Office’s first refusal to register.

The appeal letter should be clearly marked **FIRST APPEAL** and must be addressed to: Chief, Receiving and Processing Division, Copyright Office, P.O. Box 71380, Washington, D.C. 20024-1380.

**NOTE:** Effective July 1, 1998: Fee for first appeal: \$200.00. Additional fee of \$20 for each related claim after the first for a group of related works on which one appeal is filed.

- If, after reconsideration, the claim is again refused by the Copyright Office, the applicant may again appeal. This **SECOND APPEAL** must be received in the Copyright Office within 120 days of the date of the Office’s refusal of the first appeal.

The second appeal letter should be addressed to the Board of Appeals, Copyright GC/I & R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024.

**NOTE:** Effective July 1, 1998: Fee for second appeal: \$500.00. Additional fee of \$20 for each related claim as explained above.

The Copyright Office Board of Appeals consists of the Register of Copyrights, the General Counsel, and the Chief of the Examining Division or their respective designees. The Board considers all second appeals and renders final decisions. Where the Board upholds the refusal to register, a written explanation of the Board’s action is sent to the applicant. The Board’s decision constitutes final agency action.

**NOTE:** The new appeal fees listed above are effective July 1, 1998, and are not retroactive. They apply only to those appeals received in the Copyright Office on or after July 1, 1998. The Office will contact applicants who submit appeals on July 1, 1998, and thereafter without an appropriate fee. The appropriate appeal fee will be requested and must be received before any reconsideration of the claim begins.



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