

Supplementary Copyright Registration

Supplementary Registration: In General

Supplementary registration is a special type of copyright registration provided for in section 408(d) of the copyright law (17 U.S.C.). If information in the basic registration is incorrect or incomplete, the law provides for “filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration.” The information in the basic registration record remains unchanged. The supplementary registration augments and, in most cases, is cross-referenced to this record.

Earlier Registration Necessary

Supplementary registration can be made only if a basic copyright registration for the same work *has already been completed*. The statute requires that the application for supplementary registration “shall clearly identify the registration to be corrected or amplified.” Please note that a single Form CA can be used to correct *only one* basic registration, *not* multiple registrations. A Form CA *cannot* be used to correct an earlier supplementary registration.

What Basic Registration Can Be Corrected or Amplified?

As a general rule, any completed basic registration in the records of the Copyright Office can be the subject of a supplementary registration. This is true regardless of when the basic registration was made and regardless of the class in which the basic registration was made.

Corrections and Amplifications

A supplementary registration can be made either to “correct” or to “amplify” information in a basic registration.

Corrections

A “correction” is appropriate if information in a basic registration was incorrect at the time that basic registration was made. *Examples:* the basic registration identified an incorrect author of the work, or the work was registered as published when publication had not actually taken place. (NOTE: A supplementary registration is not appropriate where the work was registered as unpublished when it was actually published at the time of registration. See “Published Work

Previously Registered as Unpublished” below.) A supplementary registration is not necessary for minor errors, such as typographical errors, omission of address in Space 4 when it appears elsewhere on the application, or addition of the articles “a,” “an,” or “the.”

Amplifications

“Amplifications” fall into these three general categories:

- 1 Additional information that could have been given but was omitted at the time of basic registration (example: a co-author was omitted);
- 2 Changes in certain facts that have occurred *since* the basic registration (Example: change of title); and
- 3 Explanations that clarify information given in the basic registration (Example: statement of authorship in the version being registered was not sufficiently explicit on the original application).

Who May Apply for Supplementary Registration?

Once a basic registration has been made for a work, any author or other copyright claimant or any owner of an exclusive right in the work wishing to correct or amplify the information given in the basic registration may apply for supplementary registration. A duly authorized agent of any such author, claimant, or owner of exclusive rights may also submit an application for supplementary registration.

How to Apply for Supplementary Registration

The application for supplementary registration must be submitted on Form CA. To apply for supplementary registration an applicant should submit:

- 1 A completed Form CA;
- 2 A *photocopy* of the front and back of the certificate of the registration being amended;
- 3 The nonrefundable filing fee of \$100* in the form of a check or money order payable to *Register of Copyrights*. Do not send cash. Mail to:

*Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000*

The filing fee for processing a claim to supplementary copyright registration is nonrefundable, whether or not copyright registration is ultimately made.

***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.**

NOTE: Copies or phonorecords of the work or supporting documents cannot be made part of the record of a supplementary registration and should not be sent to the Copyright Office with a Form CA.

Form CA and other Copyright Office forms and publications are available at no charge from the Copyright Office. To order write to:

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

Forms and circulars are also available from the Copyright Office website at www.copyright.gov or by calling the Forms and Publications Hotline anytime at (202) 707-9100. The TTY number is (202) 707-6737.

Blank application forms may be photocopied; however, photocopied forms submitted to the Copyright Office must be clear, legible, on a good grade of 8½-inch by 11-inch white paper suitable for automatic feeding through a scanner/photocopier. The forms should be printed, preferably in black ink, head-to-head (so that the top of page 2 is directly behind the top of page 1). *Forms not meeting these requirements will be returned to the originator.*

What Happens When a Supplementary Registration Is Made?

When a supplementary registration is completed, the Copyright Office will assign it a new registration number, usually in the same class and series as the basic registration, and issue a certificate of supplementary registration under that number. The basic registration will not be expunged or cancelled, and the two registrations will both stand in the Copyright Office records. The supplementary registration will direct the public’s attention to an error or omission in the basic registration, and it will place the correct facts or the additional information on official record.

When Supplementary Registration Is Not Appropriate

In General

As explained below, supplementary registration is not appropriate in the following cases:

- 1 Where the work has been revised or where corrections have been made to statements appearing on the copies or phonorecords;
- 2 As a substitute for renewal registration;
- 3 As a substitute for recording a transfer or other document pertaining to copyright ownership; and
- 4 Where a work was registered as unpublished but was actually published at the time of the basic registration.

When the Work Has Been Revised or Statements on the Copies or Phonorecords Have Been Corrected

Supplementary registration can be used only to correct errors or amplify facts stated in an earlier application for a completed registration. Form CA is *not appropriate* to correct errors on the copies or phonorecords of the work in question or to reflect changes in the content of the work. If the work has been changed since registration was made and if the changes are sufficient for the work to be considered a “derivative work,” the proper procedure is to make a new basic registration for the revised version to cover the additions or revisions.

Supplementary Registration Different from Renewal Registration

A supplementary registration is entirely different from a renewal registration. Renewal registration cannot be made by filing Form CA. A completed Form RE and \$60* registration filing fee are required. (*See note on fees on page 2.*) For further information about copyright renewal, request Circular 15, *Renewal of Copyright*.

Changes in Ownership of Rights

If ownership of the copyright has changed since the basic registration was made (whether it changed from one owner to another or was divided among several owners of exclusive rights), Form CA is not appropriate. Section 205 of the statute provides that “any transfer of copyright ownership or other document pertaining to a copyright may be recorded in the Copyright Office.” Recording a document pertaining to copyright ownership under section 205 not only “gives all persons constructive notice of the facts stated in the recorded

document,” but it may also have other important consequences in cases of infringement or conflicting transfers. Supplementary registration does not accord “constructive notice” and is not the correct method for recording transfers of copyright ownership. For further information about recordation of documents, request Circular 12, *Recordation of Transfers and Other Documents*.

Published Work Previously Registered as Unpublished

A supplementary registration is *not* acceptable to correct a registration that did not identify the work as published. The deposit requirement for a published work is different from that for an unpublished work. Therefore, the proper deposit requirement has not been met and cannot be met with a supplementary registration. In this case, another basic registration should be made with the proper deposit materials for a published work. In Space 5 of the registration application form, answer “yes” to the “previous registration” question, and without checking any of the boxes below, state, “*This registration is made to correct registration number (class) (number) which was incorrectly made as unpublished.*”

Some Helpful Hints for Completing Form CA

Space A: This space identifies the registration that is being amended. Give the title, authors, claimants, and year date of registration *exactly* as they appear in the original application, including any incorrect information.

Space B: Complete this part *only* if information in the basic registration was incorrect at the time that basic registration was made. Transcribe the erroneous information *exactly* as it appears in the basic registration. Give the correct information and explain the error. For example: “Andrew Miller named at Space 2; should have been Ardis Miller — author’s first name was in error.”

Space C: Complete this part if your purpose is to add, update, or clarify information rather than to correct an actual error. Explain the additional information. For example: “Maude Miller, U.S. citizen, was an author — name was accidentally omitted.”

Space F: The application is not acceptable unless it bears the handwritten signature of the author, copyright claimant, owner of exclusive right(s), or the duly authorized agent of such author, claimant, or owner.

Effective Date of Registration

A copyright registration is effective on the date of receipt in the Copyright Office of all the required elements in acceptable form, regardless of the length of time it takes thereafter to process the application and mail the certificate of registration. The length of time required by the Copyright Office to process an application varies from time to time, depending on the amount of material received and the personnel available to handle it.

If you are filing an application for copyright registration, you will not receive an acknowledgement that your application has been received (the Office receives more than 600,000 applications annually), but you can expect:

- A letter or telephone call from a copyright examiner or other staff member if further information is needed;
- A certificate of registration to indicate the work has been registered;
- If registration cannot be made, a letter explaining why it has been refused.

If you want to know when the Copyright Office received your material, you should send it via registered or certified mail and request a return receipt.

A FINAL WORD OF CAUTION: This circular contains general information about the purposes and procedures for making supplementary registration. In many cases, however, it is important to consult a copyright attorney before deciding the best procedure to follow.

For Further Information

Information via the Internet

Frequently requested circulars, announcements, regulations, other related materials, and all copyright application forms are available via the Internet. You may access these from the Copyright Office website at www.copyright.gov.

Information by fax

Circulars and other information (but not application forms) are available by using a touchtone phone to access Fax-on-Demand at (202) 707-2600.

Information by telephone

For general information about copyright, call the Copyright Public Information Office at (202) 707-3000. The TTY number is (202) 707-6737. Information specialists are on duty from 8:30 a.m. to 5:00 p.m., eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. Or, if you know which application forms and circulars you want, request them 24 hours a day from the Forms and Publications Hotline at (202) 707-9100. Leave a recorded message.

Information by regular mail

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