

LECTURE TWENTY ONE:

Intellectual Property Issues

Remark: In this and the following lecture issues pertaining to applying for intellectual property (IP) certificates and preliminary steps for applying for patents are discussed. The purpose of this and the subsequent lecture note is to clarify these matters and give further information on what some of these terminologies mean and how to secure an IP certificate or to seek a patent. Clearly, it is not our intention to serve as an attorney nor do we plan to provide a plethora of forms and documents in this regard. However, the following disposition is a good start to compile necessary information for this purpose.

In preparation of these notes, the author has been fortunate to have access to the vast resources at the University of Wisconsin-Madison. This depository includes the Technical Reports Center at Kurt F. Wendt Library; the Wisconsin Alumni Research Foundation (WARF); and the legal offices of the University of Wisconsin-Madison. Special thanks are due Ms. Nancy Spitzer of the Wendt Library; Ms. Deanna L. Dietrich, Esq., of the College of Engineering; Dr. Steven Price of the University-Industry Relations; Ms. Elizabeth L. R. Donley, Esq., of WARF; and Ms. Kathleen S. Irwin, Esq., of the University Administration. The information in the following two lectures is prepared initially by studying and restructuring the materials presented by the above colleagues in several lectures at the University of Wisconsin-Madison. Ms. Nancy Spitzer has compiled the following references, and also she has generated all subsequent forms.

Special Resources:

- [1] Wisconsin Alumni Research Foundation (www.wisc.edu/warf) (Permission required).
- [2] US Patent and Trademark Office (<http://www.uspto.gov/>).
- [3] Patent Search (<http://www.uspto.gov/patft/index.html>).
- [4] U.S. Patent Classification (<http://www.uspto.gov/go/classification/>).
- [5] Foreign Patents Search (<http://gb.espacenet.com/>).
- [6] Wacky Patent of the Month (<http://colitz.com/site.wacky.htm>).
- [7] Library of Congress, Copyright Office (<http://www.loc.gov/copyright/>).
- [8] A Library of Congress Catalog Card Number (<http://www.locweb2.loc.gov/pcn/>).
- [9] International Standard Book Numbering (ISBN) (<http://www.bowker.com/standards/>).
- [10] International Standard Serial Numbering (ISSN) (<http://www.loc.gov/issn>).

Additional Resources:

- [11] J.L. Bryant, *Protecting Your Ideas: the Inventor's Guide to Patents*. San Diego. CA: Academic Press, 1999.
- [12] S. Elias, *Patent, Copyright & Trademark*. Berkeley, CA: Nolo Press, 4th ed., 2001.
- [13] F. Grissom and D. Pressman, *The Inventor's Notebook*. Berkeley, CA: Nolo Press, 2nd ed., 1996.
- [14] D. Hitchcock, *Patent Searching Made Easy: How to Do Patent Searches on the Internet and in the Library*. Berkeley, CA: Nolo Press, 2nd ed., 2001.
- [15] M. Lechter, Ed., *Successful Patents and Patenting for Engineers and Scientists*. New York: IEEE Press, 1995.
- [16] American Bar Association, Section of Intellectual Property Law, Committee on Public Information, *Intellectual Property: A Guide for Engineers*. New York: ASME Press, 2001.
- [17] General Information Concerning Patents. Washington, DC: United States Patent and Trademark Office, 2001, in (<http://www.uspto.gov/web/offices/pac/doc/general/index.html>).
- [18] Guide to Filing a Utility Patent Application. Washington, DC: United States Patent and Trademark Office, 2001, in (<http://www.uspto.gov/web/offices/pac/utility/utility.html>).

Introduction

We start with the following question: *What is an intellectual property?* Intellectual property (IP) is a “product of mind” such as an idea, invention or a manufactured product. Or is an aggregate of rights resulting from creative efforts of the mind.

Intellectual property *categories* consist of patents, copyrights, plant protection (which include plant patents, plant variety certificates, utility plants, as well as plant breeder’s rights overseas), trademarks, trade secrets and confidentiality (or secrecy) agreements, know-how/show-how. These are also various forms of legally protecting the intellectual property. The origin of the legally protecting these rights is in the United States Constitution that is reported next.

Under Article I, Section 8, Clause 8 of the United States Constitution: “The Congress shall have the power ... To promote the Progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” This is the basis for copyrights and patents laws. However, one must realize that the laws that are stemming from the above are not self-enforced, but rather one must protect his/her invention vigilantly. In other words, each individual in the United States must seek compensations when the underlying right have been infringed by others.

In this lecture we concentrate on most categories of intellectual properties other than patents. Subsequently, in Lecture Twenty Two we review issues pertaining to patents. What is common in these two lectures, however, is the method of bookkeeping that is described in Lecture Four. Just a reminder that that Laboratory Notebook, in whatever shape and form, must be maintained and archived regularly as described in Lecture Four. Here, the current and evolving thought and work performed must be recorded in an orderly manner that is *easily verifiable*. The examiner for various IP applications inspects this Laboratory Notebook, and if it is found easily verifiable, then your chances of approval will increase substantially. The record must establish the priority of inventorship by documenting “when,” “what,” and “why,” of the work performed, in a “diary” and *not* in a “memoir” style. Be particularly keen in providing some measure of proof against allegations of any impropriety and conflict of interest.

The forthcoming definitions below closely follow Ms. Elizabeth L. R. Donley’s lecture.

I. Issues Pertaining to Copyrights

- We open this section by presenting the main *purpose of copyright protection*.
 - Copyright encourages the creative efforts of authors, artists, and others by securing the exclusive right to reproduce works and derive income from them.
 - Copyright is created automatically once an original effort has been started and some aspect of that has been fixed in a tangible medium.
 - Copyright can also be registered for additional protection and notice to potential infringers.
- Next, the main *Rights of Copyright Ownership*.
 - Reproduce, distribute and publicly display the work in various publishing media.
 - Prepare derivative works based on the original copyrighted work.
 - Publicly perform the work.
- *What is Copyrightable?*
 - *Tangible* expressions are protected, but facts, ideas, concepts, principles, or discoveries are not.
 - Independent creation of a similar work is permitted to be copyrighted.

- ***Copyrightable Subject Matter.***

- Literary works.
- Musical works.
- Pictorial, Graphics and Sculptural works.
- Architectural works.
- Motion pictures and other audiovisual works.
- Recently, Software and computer programs, as well as web pages.

- ***Not-protected by Copyright.***

- Ideas.
- Titles.
- Names.
- Short phrases.
- Works in public domain.
- Mere facts.
- Logos and slogans.
- Blank forms for collecting information.
- URL's.

In the United States ***Copyright Registration*** is necessary for recovering actual damages suffered from an unauthorized use of a work. The process is inexpensive and straightforward. For additional information please refer to [7]. In Appendix A, a set of sample forms for various copyright applications is shown for your information. These forms may change, of course, but the general requirements remain substantially the same. Therefore those interested to publish their report or any other work can see what they need.

- ***Copyright Authorship***

- Who is the “author?”
- Is the work made-for-hire?
- Is it a joint work?
- Is it a compilation?
- Is it a collective work?

- ***Who Has Copyright Ownership?***

- Original contributors.
- Owners of pre-existing copyrighted material.
- Other third parties such as employers (with work for hire clauses in employment agreements) or publishers.

- ***Term of Copyright Protection***

- Life of the author plus 70 years.
- Work-for-hire – earlier of 75 years from publication or 100 years from creation.

- ***Copyright Protection Weaknesses***

- Does not prevent independent creation.
- Does not protect purely functional aspects of the work.
- Protection not available for ideas, procedures, processes, systems, methods of operation, concepts, principles, or discoveries.

III. Issues Pertaining to Know-how and Show-how

This is not the same as Trade Secret but is closely related or aligned to that. For instance, it can be very viable alternative even if not a secret when the cost of producing an item is greater than buying it from someone that knows how to make it and is willing to show how.

IV. Issues Pertaining to Trademark

Trademark Protection functions to increase distributional efficiency by making products easy to locate without any confusion. Trademark identifies the source of goods and services for customers. It also prevents competitors from using marks that may cause a likelihood of confusion.

- ***Trademark Formalities***

- Protection acquired through use in commerce, but one can file an intent to use application to mark place before product is even created.
- Protections are available at both state and federal levels.
- Common law trademark protection may be available in the absence of registration.

- ***Term of Trademark Protection***

- Generally, as long as the mark is used in commerce.
- Must meet certain renewal requirements for registered trademarks.
- Can renew intent to use application for three periods of six months before have to use in commerce.

- ***Trademark Protection Weaknesses***

- Does not in and of itself prevent misappropriation of the underlying product.
- Must maintain some control over the quality of good or service.

Final Thought

Again, the following thought closely follows Ms. Elizabeth L. R. Donley's lecture.

- ***Advice for Selecting IP Protection***

- Since the costs of obtaining and enforcing IP's, for instance patents (to be presented in the next lecture note), are high, explore the availability and viability of other IP protection methods before proceeding further.
- Have a patent search conducted by competent patent counsel *prior* to filing an application.
- Does a patent *per se*, add value to the technology or is the maximum return likely to be achieved with copyright, trade secret protection or other IP protection?

Closure

- ***What is a License Agreement?***
 - Basically an agreement by owners of IP not to sue others for infringing those IP rights.
 - Licenses are contracts in which owners of IP rights permit others to exercise all or some part of those rights under specific conditions.
- ***Key Licensing Clauses*** (To be prepared for an application.)
 - Grant Clauses.
 - License.
 - Grant Forward and Grant Backward.
 - License fee, royalty and other payment clauses.
 - Definition of licensed IP, field and territory.
 - Warranty and Indemnity Clause(s).
 - Termination Clause.
- ***How to Capitalize on Technology***
 - Licensing an invention basically “rents” the use of an IP to a company.
 - Assignment of an IP in exchange for consideration.
 - Start-up company model capitalizes on added value.
 - Collaboration or joint ventures with industry.

Finally, we remind you to review the chart at the end of the next lecture note for an overall comparison of terms and possible protection tools for these intellectual properties.

Essential thoughts in this lecture

Issues.	Applicability to your project, if any.
Intellectual properties.	Is anyone of the above applicable to your project?
Do you want to add anything else?	Please elaborate.

Appendix A:

Attached is a set of sample forms for various copyright applications [7] to [10]. There are a host of other application forms for other types of Art which are not included here. This compilation is the courtesy of Ms. Nancy Spitzer of the K.F. Wendt Library at the University of Wisconsin-Madison.



IN ANSWER TO YOUR QUERY

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COPYRIGHT REGISTRATION OF BOOKS, MANUSCRIPTS, AND SPEECHES

LIBRARY
OF
CONGRESSCOPYRIGHT
OFFICE101 Independence
Avenue, S.E.Washington, D.C.
20559-6000

A published or unpublished book or manuscript may be submitted for registration in the Copyright Office. Form TX should be used to apply for copyright registration for textual works, with or without illustrations. Form TX is appropriate for registration of nondramatic literary works including: fiction, nonfiction, poetry, contributions to collective works, compilations, directories, catalogs, dissertations, theses, reports, speeches, bound or looseleaf volumes, pamphlets, brochures, and single pages containing text.

There is no specific requirement as to the printing, binding, format, or paper size and quality of unpublished manuscript material. Typewritten, photocopied, and legibly handwritten manuscripts, preferably in ink, are all acceptable for deposit. However, since deposit material represents the entire copyrightable content of a work submitted for registration, copies deposited in a format which would facilitate handling and long-term storage (e.g., stapled, bound, clipped, etc.) would be greatly appreciated by the Copyright Office.

To register a book or manuscript, send the following three elements **in the same envelope or package** to the Library of Congress, Copyright Office, Register of Copyrights, 101 Independence Avenue, S.E., Washington, D.C. 20559-6000:

1. A completed application Form TX;
2. A nonrefundable filing fee of \$30*
3. A nonreturnable deposit of the work. The deposit requirements depend on whether the work has been published at the time of registration:
 - If the work is unpublished, one complete copy or phonorecord.
 - If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.
 - If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords as first published.
 - If the work was first published outside the United States, one complete copy or phonorecord of the work as first published.
 - If the work is a contribution to a collective work, and published after January 1, 1978, one complete copy or phonorecord of the best edition of the collective work or a photocopy of the contribution itself as it was published in the collective work.

Copyright protects an author's expression in literary, artistic, or musical form. Copyright protection does not extend to any idea, system, method, device, name, or title.

Sincerely yours,

Register of Copyrights

* Fees are effective through June 30, 2002. After that date, check the Copyright Office Website at www.loc.gov/copyright or call (202) 707-3000 for current fee information.

How Long Does Copyright Registration Take?

A copyright registration is effective on the date of receipt in the Copyright Office of all required elements in acceptable form, regardless of the length of time it takes 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. Remember that it takes a number of days for mail to reach the Copyright Office and for the certificate of registration to reach the recipient after being mailed from the Copyright Office.

You will receive no acknowledgement that your application for copyright registration has been received (the Office receives more than 500,000 applications annually), but you may expect:

- A letter or telephone call from a Copyright Office staff member if further information is needed; and
- A certificate of registration to indicate the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected.

You might not receive either of these until approximately 8 months after submission.

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

For further information, write:
 Library of Congress
 Copyright Office
 Information Section, LM-401
 101 Independence Ave., S.E.
 Washington, D.C. 20559-6000

If you need additional application forms for copyright registration, call (202) 707-9100 at any time. Leave your request as a recorded message on the Copyright Office Forms and Publications Hotline in Washington, D.C. Please specify the kind and number of forms you need. If you have general information questions and wish to talk to an information specialist, call (202) 707-3000, TTY (202) 707-6737.

You may also photocopy blank application forms; 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 when you turn the sheet over, the top of page 2 is directly behind the top of page 1). **Forms not meeting these requirements will be returned to the originator.**

All U.S. Copyright Office application forms are available from the Copyright Office Website at www.loc.gov/copyright. They may be downloaded and printed for use in registering a claim to copyright or for use in renewing a claim to copyright.

You must have Adobe Acrobat Reader installed on your computer to view and print the forms. The free Adobe® Acrobat® Reader may be downloaded from Adobe Systems Incorporated through links from the same Internet site at which the forms are available.

Print forms head to head (top of page 2 is directly behind the top of page 1) on a single piece of good quality, 8½-inch by 11-inch white paper. To achieve the best quality copies of the application forms, use a laser printer.

Frequently requested Copyright Office circulars, announcements, and recently proposed as well as final regulations are also available from the Copyright Office Website.

Copyright Office circulars and announcements are available via fax. Call (202) 707-2600 from any touchtone telephone. Key in your fax number at the prompt and the document number of the item(s) you want to receive by fax. The item(s) will be transmitted to your fax machine. If you do not know the document number of the item(s) you want, you may request that a menu be faxed to you. You may order up to three items at a time. Note that copyright application forms are *not* available by fax.

Application Form TX

*Detach and read these instructions before completing this form.
Make sure all applicable spaces have been filled in before you return this form.*

BASIC INFORMATION

When to Use This Form: Use Form TX for registration of published or unpublished nondramatic literary works, excluding periodicals or serial issues. This class includes a wide variety of works: fiction, nonfiction, poetry, textbooks, reference works, directories, catalogs, advertising copy, compilations of information, and computer programs. For periodicals and serials, use Form SE.

Deposit to Accompany Application: An application for copyright registration must be accompanied by a deposit consisting of copies or phonorecords representing the entire work for which registration is to be made. The following are the general deposit requirements as set forth in the statute:

Unpublished Work: Deposit one complete copy (or phonorecord)

Published Work: Deposit two complete copies (or one phonorecord) of the best edition.

Work First Published Outside the United States: Deposit one complete copy (or phonorecord) of the first foreign edition.

Contribution to a Collective Work: Deposit one complete copy (or phonorecord) of the best edition of the collective work.

The Copyright Notice: Before March 1, 1989, the use of copyright notice was mandatory on all published works, and any work first published before that date should have carried a notice. For works first

published on and after March 1, 1989, use of the copyright notice is optional. For more information about copyright notice, see Circular 3, "Copyright Notices."

For Further Information: To speak to an information specialist, call (202) 707-3000 (TTY: (202) 707-6737). Recorded information is available 24 hours a day. Order forms and other publications from the address in space 9 or call the Forms and Publications Hotline at (202) 707-9100. Most circulars (but not forms) are available via fax. Call (202) 707-2600 from a touchtone phone. Access and download circulars, forms, and other information from the Copyright Office Website at www.loc.gov/copyright.

PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579)

The authority for requesting this information is title 17, U.S.C., secs. 409 and 410. Furnishing the requested information is voluntary. But if the information is not furnished, it may be necessary to delay or refuse registration and you may not be entitled to certain relief, remedies, and benefits provided in chapters 4 and 5 of title 17, U.S.C.

The principal uses of the requested information are the establishment and maintenance of a public record and the examination of the application for compliance with the registration requirements of the copyright code.

Other routine uses include public inspection and copying, preparation of public indexes, preparation of public catalogs of copyright registrations, and preparation of search reports upon request.

NOTE: No other advisory statement will be given in connection with this application. Please keep this statement and refer to it if we communicate with you regarding this application.

LINE-BY-LINE INSTRUCTIONS

Please type or print using black ink. The form is used to produce the certificate.

1 SPACE 1: Title

Title of This Work: Every work submitted for copyright registration must be given a title to identify that particular work. If the copies or phonorecords of the work bear a title or an identifying phrase that could serve as a title, transcribe that wording *completely* and *exactly* on the application. Indexing of the registration and future identification of the work will depend on the information you give here.

Previous or Alternative Titles: Complete this space if there are any additional titles for the work under which someone searching for the registration might be likely to look or under which a document pertaining to the work might be recorded.

Publication as a Contribution: If the work being registered is a contribution to a periodical, serial, or collection, give the title of the contribution in the "Title of This Work" space. Then, in the line headed "Publication as a Contribution," give information about the collective work in which the contribution appeared.

2 SPACE 2: Author(s)

General Instructions: After reading these instructions, decide who are the "authors" of this work for copyright purposes. Then, unless the work is a "collective work," give the requested information about every "author" who contributed any appreciable amount of copyrightable matter to this version of the work. If you need further space, request Continuation Sheets. In the case of a collective work, such as an anthology, collection of essays, or encyclopedia, give information about the author of the collective work as a whole.

Name of Author: The fullest form of the author's name should be given. Unless the work was "made for hire," the individual who actually created the work is its "author." In the case of a work made

for hire, the statute provides that "the employer or other person for whom the work was prepared is considered the author."

What is a "Work Made for Hire"? A "work made for hire" is defined as (1) "a work prepared by an employee within the scope of his or her employment"; or (2) "a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the works shall be considered a work made for hire." If you have checked "Yes" to indicate that the work was "made for hire," you must give the full legal name of the employer (or other person for whom the work was prepared). You may also include the name of the employee along with the name of the employer (for example: "Elster Publishing Co., employer for hire of John Ferguson").

"Anonymous" or "Pseudonymous" Work: An author's contribution to a work is "anonymous" if that author is not identified on the copies or phonorecords of the work. An author's contribution to a work is "pseudonymous" if that author is identified on the copies or phonorecords under a fictitious name. If the work is "anonymous" you may: (1) leave the line blank; or (2) state "anonymous" on the line; or (3) reveal the author's identity. If the work is "pseudonymous" you may: (1) leave the line blank; or (2) give the pseudonym and identify it as such (for example: "Huntley Haverstock, pseudonym"); or (3) reveal the author's name, making clear which is the real name and which is the pseudonym (for example, "Judith Barton, whose pseudonym is Madeline Elster"). However, the citizenship or domicile of the author **must** be given in all cases.

Dates of Birth and Death: If the author is dead, the statute requires that the year of death be included in the application unless the work is anonymous or pseudonymous. The author's birth date is optional but is useful as a form of identification. Leave this space blank if the author's contribution was a "work made for hire."

Author's Nationality or Domicile: Give the country of which the author is a citizen or the country in which the author is domiciled. Nationality or domicile must be given in all cases.

Nature of Authorship: After the words "Nature of Authorship," give a brief general statement of the nature of this particular author's contribution to the work. Examples: "Entire text"; "Coauthor of entire text"; "Computer program"; "Editorial revisions"; "Compilation and English translation"; "New text."

3 SPACE 3: Creation and Publication

General Instructions: Do not confuse "creation" with "publication." Every application for copyright registration must state "the year in which creation of the work was completed." Give the date and nation of first publication only if the work has been published.

Creation: Under the statute, a work is "created" when it is fixed in a copy or phonorecord for the first time. Where a work has been prepared over a period of time, the part of the work existing in fixed form on a particular date constitutes the created work on that date. The date you give here should be the year in which the author completed the particular version for which registration is now being sought, even if other versions exist or if further changes or additions are planned.

Publication: The statute defines "publication" as "the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending." A work is also "published" if there has been an "offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display." Give the full date (month, day, year) when, and the country where, publication first occurred. If first publication took place simultaneously in the United States and other countries, it is sufficient to state "U.S.A."

4 SPACE 4: Claimant(s)

Name(s) and Address(es) of Copyright Claimant(s): Give the name(s) and address(es) of the copyright claimant(s) in this work even if the claimant is the same as the author. Copyright in a work belongs initially to the author of the work (including, in the case of a work made for hire, the employer or other person for whom the work was prepared). The copyright claimant is either the author of the work or a person or organization to whom the copyright initially belonging to the author has been transferred.

Transfer: The statute provides that, if the copyright claimant is not the author, the application for registration must contain "a brief statement of how the claimant obtained ownership of the copyright." If any copyright claimant named in space 4 is not an author named in space 2, give a brief statement explaining how the claimant(s) obtained ownership of the copyright. Examples: "By written contract"; "Transfer of all rights by author"; "Assignment"; "By will." Do not attach transfer documents or other attachments or riders.

5 SPACE 5: Previous Registration

General Instructions: The questions in space 5 are intended to show whether an earlier registration has been made for this work and, if so, whether there is any basis for a new registration. As a general rule, only one basic copyright registration can be made for the same version of a particular work.

Same Version: If this version is substantially the same as the work covered by a previous registration, a second registration is not generally possible unless: (1) the work has been registered in unpublished form and a second registration is now being sought to cover this first published edition; or (2) someone other than the

author is identified as copyright claimant in the earlier registration, and the author is now seeking registration in his or her own name. If either of these two exceptions applies, check the appropriate box and give the earlier registration number and date. Otherwise, do not submit Form TX. Instead, write the Copyright Office for information about supplementary registration or recordation of transfers of copyright ownership.

Changed Version: If the work has been changed and you are now seeking registration to cover the additions or revisions, check the last box in space 5, give the earlier registration number and date, and complete both parts of space 6 in accordance with the instructions below.

Previous Registration Number and Date: If more than one previous registration has been made for the work, give the number and date of the latest registration.

6 SPACE 6: Derivative Work or Compilation

General Instructions: Complete space 6 if this work is a "changed version," "compilation," or "derivative work" and if it incorporates one or more earlier works that have already been published or registered for copyright or that have fallen into the public domain. A "compilation" is defined as "a work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship." A "derivative work" is "a work based on one or more preexisting works." Examples of derivative works include translations, fictionalizations, abridgments, condensations, or "any other form in which a work may be recast, transformed, or adapted." Derivative works also include works "consisting of editorial revisions, annotations, or other modifications" if these changes, as a whole, represent an original work of authorship.

Preexisting Material (space 6a): For derivative works, complete this space and space 6b. In space 6a identify the preexisting work that has been recast, transformed, or adapted. The preexisting work may be material that has been previously published, previously registered, or that is in the public domain. An example of preexisting material might be: "Russian version of Goncharov's 'Oblomov.'"

Material Added to This Work (space 6b): Give a brief, general statement of the new material covered by the copyright claim for which registration is sought. **Derivative work** examples include: "Foreword, editing, critical annotations"; "Translation"; "Chapters 11-17." If the work is a **compilation**, describe both the compilation itself and the material that has been compiled. Example: "Compilation of certain 1917 Speeches by Woodrow Wilson." A work may be both a derivative work and compilation, in which case a sample statement might be: "Compilation and additional new material."

7, 8, 9 SPACE 7, 8, 9: Fee, Correspondence, Certification, Return Address

Deposit Account: If you maintain a Deposit Account in the Copyright Office, identify it in space 7a. Otherwise leave the space blank and send the fee of \$30 (effective through June 30, 2002) with your application and deposit.

Correspondence (space 7b): This space should contain the name, address, area code, telephone number, fax number, and email address (if available) of the person to be consulted if correspondence about this application becomes necessary.

Certification (space 8): The application cannot be accepted unless it bears the date and the **handwritten signature** of the author or other copyright claimant, or of the owner of exclusive right(s), or of the duly authorized agent of author, claimant, or owner of exclusive right(s).

Address for Return of Certificate (space 9): The address box must be completed legibly since the certificate will be returned in a window envelope.

FEE CHANGES

Fees are effective through June 30, 2002. After that date, check the Copyright Office Website at www.loc.gov/copyright or call (202) 707-3000 for current fee information.

FORM TXFor a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER



TX TXU
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2 a

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a
"work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR { Citizen of ▶
Domiciled in ▶

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

b

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a
"work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR { Citizen of ▶
Domiciled in ▶

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

c

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a
"work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR { Citizen of ▶
Domiciled in ▶

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3 a

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
This information must be given in all cases.
Year

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Complete this information ONLY if this work has been published.
Month ▶ Day ▶ Year ▶
Nation

4

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

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TWO DEPOSITS RECEIVED

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MORE ON BACK ▶ Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
See detailed instructions. Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of _____ pages

EXAMINED BY _____

FORM TX

CHECKED BY _____

☐

CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ►

Year of Registration ►

5

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

a

6

See instructions
before completing
this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

a

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

b

Area code and daytime telephone number ►

Fax number ►

Email ►

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ►

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☐ authorized agent of _____

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Date ► _____



Handwritten signature (X) ▼

X _____

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will be
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Number/Street/Apt ▼

City/State/ZIP ▼

YOU MUST

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL 3 ELEMENTS
IN THE SAME PACKAGE:


1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

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Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000As of
July 1,
1999,
the
filing
fee for
Form TX
is \$30.

9

*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.
June 1999—200,000
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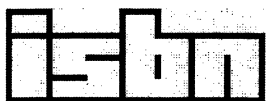
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