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POSITION OF MR. ARTHUR FISHER,
REGISTER OF COPYRIGHTS,
WITH STIPULATION

14

Filed 21 November 1952

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

BENJAMIN STEIN and RENA STEIN,
doing business as
REGLOR OF CALIFORNIA,
Plaintiffs,

v.

EMANUEL L. MAZER and
WILLIAM ENDICTER,
doing business as
JUNE LAMP MANUFACTURING COMPANY,
Defendants.

CIVIL ACTION

No. 5879

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REGISTER OF COPYRIGHTS,

WITH STIPULATION

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S T I P U L A T I O N

It is hereby stipulated by and between the parties hereto that the attached copy of the deposition of Mr. Arthur Fisher, Register of Copyrights, taken at Washington, D. C., April 18, 1952, in the case of Stein, et al. v. Mittleman, et al., Civil Action No. 11,171, in the United States District Court for the Eastern District of Michigan may be used with the same force and effect as if taken in this cause.

Bair Freeman & McNamee

George E Frost

Attorneys for Plaintiffs,
135 South LaSalle Street
Chicago 3, Illinois

May R Kraus

Attorney for Defendants,
One North LaSalle Street
Chicago 2, Illinois

October 9, 1952

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN STEIN & RENA STEIN
doing business as
REGLOR OF CALIFORNIA,
Plaintiffs,

v.

MORRIS MITTLEMAN & ALVIN GALE,
doing business as
LUSTRA LAMP SHADE & NOVELTY CO.,
Defendants.

CIVIL ACTION
NO. 11171

Washington, D. C.
Friday, April 18, 1952

Deposition of ARTHUR FISHER, a witness of lawful age,
taken on behalf of the plaintiffs in the above-entitled action
wherein Benjamin Stein and Rena Stein, doing business as
Reglor of California are the plaintiffs and Morris Mittleman
and Alvin Gale, doing business as Lustra Lamp Shade and
Novelty Co. are the defendants, pending in the District Court
of the United States for the Eastern District of Michigan,
pursuant to notice, before Lloyd L. Harkins, a notary public
in and for the District of Columbia, at Room 1009, Library
of Congress Annex, Washington, D. C., at 3:30 o'clock p.m.,
Friday, April 18, 1952.

APPEARANCES:

On behalf of the plaintiffs:
George E. Frost, Esquire
Charles F. Barber, Esquire

On behalf of the defendants:
No appearance.

Thereupon

ARTHUR FISHER,

a witness of lawful age, was duly sworn and, being examined
by counsel, testified as follows:

DIRECT EXAMINATION

By Mr. Frost:

Q Will you state your name please?

A Arthur Fisher.

Q What is your position?

A Register of Copyrights of the United States.

Q What are your duties?

A My principal duties are to administer the Copyright
Law which is Title 17 of the United States Code. My duties
include the registration of claims to copyrights, the making
of rules and regulations, the recordation of assignments of
copyrights, publication of catalogue of copyright entries,
and those other statutory duties provided by said Title 17.

Q How long have you been engaged in this work?

A I have been in the copyright office for about five
and one-half years, originally an Associate Register for about

four years. I was Acting Register for about a year, and I have been Register of Copyrights for something like nine months.

Q Can you state what the practice of the copyright office is with respect to Section 5 (g) of the Copyright Code?

A The practice of the copyright office is to register claims for copyrights in any work which in our opinion is a work of art, even though such work has a mechanical or utilitarian aspect. Such works must be the product of artistic craftsmanship and may include works of art such as those used for bookends, ash trays, piggy banks and so forth.

Q When was this practice introduced in the Copyright Office?

A I do not know when the practice was first instituted, but it was followed at the time I first came to the Copyright office in 1946, at which time the practice was well established.

Q Is the practice of the Copyright Office that you have just referred to covered by regulations?

A It only has general rules and regulations. We also have a particular regulation which is Regulation 202.8 dealing with the registration of works of art.

Mr. Frost: May we have this document marked as Plaintiffs' Exhibit No. 7 for identification please?

(Regulations of Copyright Office
were marked for identification,
Plaintiffs' Exhibit No. 7.)

By Mr. Frost:

Q. I hand you a document marked Plaintiffs' Exhibit No. 7 for identification and ask if you can tell us what it is.

A This document is the regulation of the Copyright Office included in the Code of Federal Regulations, Title 37-Patents, Trade-marks and Copyrights, Chapter II-Copyright Office, Library of Congress. They were issued December 22, 1948.

This embodies, I believe, the present regulations of the office with a minor modification which does not deal with the subject of registration of works of art.

Q Does Plaintiffs' Exhibit No. 7 include Section 202.8 of the regulations?

A It does include regulation 202.8.

Q Will you please encircle regulation 202.8 on Plaintiffs' Exhibit No. 7?

Mr. Frost: Let the record show that the witness has encircled Section 202.8 of the regulations, as requested.

Mr. Frost:

Q I notice that Section 202.8 of the regulations includes this language, and I quote:

"* * * works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned, * * *"

Can you tell us in some detail the meaning of that

language?

A In applying the words to which you refer to applications for registration of works of art, it is the practice of the Copyright Office to make a determination as to whether the work submitted is or is not a work of art. The phrase "insofar as their form but not their mechanical or utilitarian aspects are concerned" is interpreted by the office and by our examiners to permit them to deal only with the question of whether the work is a work of artistic craftsmanship, and they consider, it is our practice to consider as immaterial whether the work may also have a mechanical or utilitarian aspect.

We do not consider that we are registering or dealing with that mechanical or utilitarian aspect but are only dealing with the artistic aspect of the work which is submitted under an application for a work of art.

I might give some example of that. For example if this Daumier etching, engraving that I have on the wall were framed and were submitted to us with some indication that it was to be used as a modern tea tray with a stand, our office would deal only with the artistic aspects of the work and would not be concerned with the fact that it also had a utilitarian use or purpose.

Again, we frequently will receive applications for the registration of paintings on plates, for example. We register

the painting on the plate but we are not concerned with the fact that the material upon which the painting is made may be intended as an article of utility for the handling of food.

[In other words the practice of the office with respect to this phrase about which I am asked is not to undertake to register or deal with the mechanical or utilitarian aspects, but exclusively to determine whether the work that is submitted to us is a work of art and we disregard the question of whether it has in addition a mechanical or utilitarian function],

Q. Mr. Fisher, is there any history of the Copyright Law drawing any distinctions between fine arts and other art?

A It is my understanding that before the substantial modifications of the law in 1909 the Statute contained a reference to works of art as works of fine art.

When consideration was being given to the Bill that led to the Act of 1909, the then librarian of Congress, Mr. Putnam, testified on this aspect of the law, his testimony appearing at the hearings of the Committee of Patents of the House of Representatives of June 6, 1906 at, I believe, page eleven. The librarian testified:

"* * *the term 'works of art' is deliberately intended as a broader specification than 'works of the fine arts' in the present statute with the idea that there is subject-matter (for instance, of applied design, not yet within the province of design

patents), which may properly be entitled to protection under the Copyright Law."

[It is my understanding that following this modification of the Statute eliminating the reference to fine arts, the practice developed in the office of registering works of art which were determined to be works of art even if they were not works of fine art in the strict sense and even if they had a utilitarian aspect.]

By the time I came to the office that practice seemed to be well established and the rule to which I have already made reference which is in the present regulations of the Copyright Office, 202.8, was adopted to express the then existing practice of the office and that practice has continued, to my knowledge, right down to the present time.

A Mr. Fisher, as Register of Copyright Rights, have you made a study of the history of copyright laws?

A Well, I don't pose as a leading historian of copyright laws but I have had occasion to look at the history of the laws of various countries including the United States in the development of copyright laws.

Q Have you studied the hearings from which you have quoted?

A I have had occasion to read some of the testimony which was submitted in connection with the adoption of the Act of 1909 which is still our basic statute with minor

modifications.

Q And you take that into consideration in applying the copyright law in the Copyright Office?

A Yes, I would consider the statement of the Librarian of Congress, of which institution the Copyright Office is a part, had some bearing on the procedures and practices which ought to be followed by my office so long as the Law of 1909 is still the basic law on the books.

Mr. Frost: I have an object I would like you to mark as Plaintiffs' Exhibit No. 8 for identification.

(Whereupon a piece of statuary was marked for identification as Plaintiffs' Exhibit No. 8 and retained in the office of the Register of Copyrights.)

By Mr. Frost:

Q I hand you Plaintiffs' Exhibit No. 8 for identification and ask you if you can tell us what that is?

A Well, I believe this is a piece of statuary, artistic in character, an artistic figure that was submitted to the Copyright Office for registration.

It seems to bear a stamp of our office and the number CIH 1723.

Q Mr. Fisher, was the stamp you have just discussed put on Plaintiffs' Exhibit No. 8 by the Copyright Office?

A I believe it was.

Q It would be put on there in the normal and usual

course of the Copyright Office business, is that correct?

A Of course with the large business of our office I can't testify as to my personal knowledge as to the placing of these stamps, but from all indications it is the identifying stamp of our office.

Q And that is the usual practice of the Copyright Office?

A That is the usual practice with respect to all works that are submitted for registration in this office.

Q You have read the number 1723 from Plaintiffs' Exhibit No. 8. Can you tell us more precisely what that refers to? Is that a registration number?

A Yes, it is a registration number.

Q Am I correct that that would refer to a registration certificate bearing that number?

A I believe it would.

Q I note on Plaintiffs' Exhibit No. 8 there are some symbols before the number 1723. Can you tell us what those symbols are? They appear to be C.I.H.

A Well, I believe that is the Class number.

Q And that would indicate Class H?

A Class H.

Q Would you register Plaintiffs' Exhibit No. 8 if you knew that it was to be used as a lamp base?

A As I have said before our problem is to determine

whether the work submitted is a work of art. We make that determination and registration even though we may have reason to believe that the work of art may happen to be used for some other purpose.

Q Have you any written record of the determination?

A Yes, the very fact that there is a stamp that it is accepted for registration means that there was a determination that this, in the determination of the Copyright Office, is a work of art.

Q That is a general statement in the judgment of the Copyright Office. It is composed of individuals and I would like to know who determined whether that was a work of art, referring to Plaintiffs' Exhibit No. 8.

A It might have involved a great many individuals in the Copyright Office.

Q Do you know the names of the people?

A I do not. In every work that we examine there is a determination of registerability. In these cases of works of art we must necessarily make a determination that it is a work of art. It is a question of fact in each case.

Q But right now you don't know the individuals or people who determined that, their names?

A I would say the Register and the staff of the Copyright Office determined that it is a work of art in their judgment, as a matter of fact.

Q Referring to regulation 202.8 of the Copyright Office, the wording of that section is as follows:

"This class includes works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned--"

Keeping that in mind, Mr. Fisher, when you take a work of art and register it and give the party who has registered that work of art a certificate indicating such registration, you just give them the rights insofar as that particular figure is concerned insofar as its artistic craftsmanship is concerned. Am I correct in that statement?

A Our determination I believe is that that work is a work of art. The question arises as to what is a work of art in any particular case. I believe that is a question of fact in each case. We try to make a determination as to whether there has been artistic craftsmanship expended in the production of this work of art, quite apart from the utilitarian or mechanical aspects of the work.

Q In other words, from your answer, it is my understanding that by issuing the certificate of registration you give such applicant no rights as far as a mechanical or utilitarian purpose is concerned?

A I believe that is correct. We are undertaking to register the artistic aspect of the product and not its utilitarian or mechanical purpose.

To give another example in another field, in the receiving of literary work we will register the literary property. We are not concerned with the fact that the literary work may be a heavy dictionary that might be used for some utilitarian purpose, such as a high chair for a child at dinner, or a doorstep, or for some other practical value as an object. We will register the literary aspects of that work, the intangible literary aspects, and we feel that in the case of works of art we are again registering and recognizing the artistic aspects of the work, quite apart from what other utilitarian uses might be made of that work.

Q Is the practice of the Copyright Office the same with respect to Class H registrations as it is with respect to Class G?

A The principles the Copyright Office follows are the same. It will be noted that Class G is the first and basic classification dealing with works of art, and also models or designs for works of art. Class H is the class dealing with reproductions of works of art.

The policies and practices followed by the office in determining whether the work is a work of art are the same in both instances. It is immaterial whether the work is an original work of art or a model or a reproduction of a work of art. It is a matter of historical accident that these

different types of artistic work are not included within the same classification, and as a matter of fact, applicants freely select between the two classes and I recall of no cases where an exception has been taken by this office because of any question as to whether the particular work was appropriately classified under G or H.

Mr. Frost: No further questions, Mr. Fisher.

[S] Arthur Fisher

Subscribed and sworn to before me this 16 day of May
A.D., 1952.

[S] Lloyd L. Harkins
Notary Public in and for
the District of Columbia

My commission expires July 31, 1952.

I, LLOYD L. HARKINS, a notary public duly commissioned and qualified in and for the District of Columbia of the United States, aforesaid, do hereby certify that, pursuant to stipulation, therecame before me on the 18th day of April , 1952, at 3:30 o'clock p.m., in Room 1009, Library of Congress Annex, Washington, D. C., the following named person, to-wit, Arthur Fisher, who was by me duly sworn to testify the whole truth and nothing but the truth concerning his knowledge of the matters in controversy in this action, and that he was thereupon carefully examined, upon his oath, and his examination reduced to writing under my supervision; and that the deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 16 day of *May* A.D., 1952.

Cost
\$12.95 *Seal*

Lloyd L. Harkins
Notary Public in and for
the District of Columbia

My commission expires July 31, 1952.

REPRODUCTION
THE NATIONAL ARCHIVES AT PHILADELPHIA

Additional copy
of Plaintiff's
Exhibit 7, iden-
tified at page 3
of Stipulated
Deposition of
Mr. Arthur Fisher.

REGULATIONS OF THE COPYRIGHT OFFICE

CODE OF FEDERAL REGULATIONS

Title 37—Patents, Trade-marks and Copyrights

Chapter II—Copyright Office, Library of Congress

REVISION OF CHAPTER

1. Chapter II of Title 37, of the Code of Federal Regulations, is hereby revised to read as set forth below, effective sixty days after the date of publication in the FEDERAL REGISTER. In this revised codification former Part 200, Organization, Part 202, Proclamation Copyright Relations and Part 203, Functions and Procedures are discontinued, former Part 201, Registration of Claims to Copyright, as herein revised, is renumbered Part 202 and a new Part 201, "General Provisions" is added. Future amendments to organization, functions and procedures, not otherwise herein provided, will be published in the Notices section of the FEDERAL REGISTER.

2. Chapter II of Title 37, as provided in the Code of Federal Regulations at the time of this publication, continues in force until this revised codification becomes effective.

PART 201—GENERAL PROVISIONS

- Sec. 201.1 Communications with Copyright Office.
- 201.2 Information given by Copyright Office.
- 201.3 Catalog of Copyright Entries.
- 201.4 Assignments of copyright and other papers.
- 201.5 Amendments to completed Copyright Office registrations and other records.
- 201.6 Payment and refund of Copyright Office fees.

AUTHORITY: §§ 201.1 to 201.6 issued under sec. 207, 61 Stat. 666; 17 U. S. C. Sup. 207.

§ 201.1 *Communications with Copyright Office.* Mail and other communications shall be addressed to the Register of Copyrights, Library of Congress, Washington 25, D. C.

§ 201.2 *Information given by Copyright Office—(a) In general.* Information relative to the operations of the Copyright Office is supplied without charge. A search of the records, indexes and deposits will be made for such information as they may contain relative to copyright claims upon application and payment of the statutory fee. The Copyright Office, however, does not undertake the making of comparisons of copyright deposits to determine similarity between works, nor does it give legal opinions concerning the rights of persons in cases of alleged infringement, contracts between publisher and author, the copyright status of any particular work other than the facts shown in the records of the Office, or other matters of a similar nature.

(b) *Inspection and copying of records.* Inspection of the records, indexes and deposits may be made at such time as will not result in interference with or delay in the work of the Copyright Office. In connection with matters directly relating to copyrights and the rights of an author or proprietor in copyrighted

property, copies may be made of the entries in the record books, the applications for registration after they have been passed for entry and numbered, the indexes to registrations, and similar official records of the Office.

(c) *Correspondence.* Correspondence with the Copyright Office is not open to public inspection unless it has a direct reference to a completed registration of a copyright claim or other official record of the Office.

(d) *Requests for copies.* Requests for the making of copies of the records and deposits in the Copyright Office should be addressed to the Photoduplication Service, Library of Congress, Washington 25, D. C. Fees for the payment of such services should be made payable to the Librarian of Congress. When the copy is to be certified by the Copyright Office, the certification fee should be made payable to the Register of Copyrights. The Copyright Office will approve the making of a copy of a copyright deposit when one or more of the following conditions exist:

(1) *Authorization by owner.* When authorized in writing by the copyright owner or his designated agent.

(2) *Request by attorney.* When required in a court proceeding in which the copyrighted work is the subject of the litigation; but in all such cases the attorney representing the plaintiff or defendant, for whom the request is made, shall give in writing the names of the parties, the nature of the controversy, and the name of the court.

(3) *Court order.* When an order to have the copy made is issued by a court having jurisdiction of a case in which the copy is to be submitted as evidence.

§ 201.3 *Catalog of Copyright Entries.* The current subscription price for all parts of the complete yearly Catalog of Copyright Entries is \$20.00. Each part of the Catalog is published in two semi-annual numbers covering, respectively, the periods January-June and July-December. The prices given in the list below are for each semiannual number. The Catalog may be obtained, upon payment of the established price, from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., to whom requests for copies should be addressed and to whom the payment should be made payable.

Part 1A—Books and selected pamphlets	\$1.50
Part 1B—Pamphlets, serials, and contributions to periodicals	1.50
Part 2—Periodicals	1.00
Parts 3 and 4—Dramas and works prepared for oral delivery	1.00
Part 5A—Published music	1.50
Part 5B—Unpublished music	1.50
Part 6—Maps	.50
Part 7-11A—Works of art, reproductions of works of art, scientific and technical drawings, photographic works, prints, and pictorial illustrations	1.00

Part 11B—Commercial prints and labels	\$1.00
Parts 12 and 13—Motion pictures	.50
Part 14A—Renewal registrations, literature, art, film	.50
Part 14B—Renewal registrations, music	1.00

§ 201.4 *Assignments of copyright and other papers.* Assignments of copyright and other papers relative to copyrights will be recorded in the Copyright Office upon payment of the statutory fee. Examples of such papers include powers of attorney, licenses to use a copyrighted work, and agreements between authors and publishers covering a particular work or works and the rights thereto. Where the original instrument is not available, a certified copy may be recorded.

§ 201.5 *Amendments to completed Copyright Office registrations and other records.* No correction or cancellation of a Copyright Office registration or other record will be made (other than a registration or record provisional upon receipt of fee as provided in § 201.6) after it has been completed if the facts therein stated agree with those supplied the Office for the purpose of making such record. However, it shall be within the discretion of the Register of Copyrights to determine if any particular case justifies the placing of an annotation upon any record for the purpose of clarification, explanation, or indication that there exists elsewhere in the records, indexes or correspondence files of the Office, information which has reference to the facts as stated in such record.

§ 201.6 *Payment and refund of Copyright Office fees—(a) In general.* All fees sent to the Copyright Office should be in the form of a money order, postal note, check, or bank draft payable to the Register of Copyrights. Coin or currency sent to the Office in letters or packages will be at the remitter's risk. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of fee required. Uncertified checks are accepted subject to collection. Where the statutory fee is submitted in the form of a check, the registration of the copyright claim or other record made by the Office is provisional until payment in money is received. In the event the fee is not paid, the registration or other record shall be expunged.

(b) *Deposit accounts.* Persons or firms having a considerable amount of business with the Copyright Office may, for their own convenience, prepay copyright expenses by establishing a Deposit Account.

(c) *Refunds.* Money paid for applications which are rejected or payments made in excess of the statutory fee will be refunded, but amounts of twenty-five cents or less will not be returned unless specifically requested and such sums may

be refunded in postage stamps. All larger amounts will be refunded by check.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

- Sec. 202.1 Application forms.
- 202.2 Books (Class A).
- 202.3 Periodicals (Class B).
- 202.4 Lectures or similar productions prepared for oral delivery (Class C).
- 202.5 Dramatic and dramatico-musical compositions (Class D).
- 202.6 Musical compositions (Class E).
- 202.7 Maps (Class F).
- 202.8 Works of art (Class G).
- 202.9 Reproductions of works of art (Class H).
- 202.10 Drawings or plastic works of a scientific or technical character (Class I).
- 202.11 Photographs (Class J).
- 202.12 Prints, pictorial illustrations and commercial prints or labels (Class K).
- 202.13 Motion-picture photoplays (Class L).
- 202.14 Motion pictures other than photoplays (Class M).

ADVISORY: §§ 202.1 to 202.14 issued under sec. 207, 61 Stat. 886, 17 U. S. C. Sup. 207.

§ 202.1 *Application forms*—(a) In general. Section 5 of Title 17 of the United States Code provides thirteen classes (Class A through Class M) of works in which copyright may be claimed. Examples of certain works falling within these classes are given in §§ 202.2 to 202.14, inclusive, for the purpose of assisting persons, who desire to obtain registration of a claim to copyright, to select the correct application form.

(b) *Claims of copyright*. All works deposited for registration shall be accompanied by a "claim of copyright" in the form of a properly executed application and the statutory registration fee.

(c) *Forms*. The Copyright Office supplies without charge the following forms for use when applying for the registration of claim to copyright in a work and for the filing of a notice of use of musical compositions on mechanical instruments.

- Form A—Books published in the United States of America (Class A).
- Form A Foreign—Books first published outside the United States of America (Class A).
- Form B—Periodicals (Class B).
- Form B5—Contributions to periodicals (Class B).
- Form C—Lectures or similar productions prepared for oral delivery (Class C).
- Form D—Dramatic or dramatico-musical compositions (Class D).
- Form E—Musical compositions (Class E).
- Form F—Maps (Class F).
- Form G—Works of art, models or designs for works of art (Class G).
- Form GG—Published three-dimensional works of art (Class G).
- Form H—Reproductions of a work of art (Class H).
- Form I—Drawings or plastic works of a scientific or technical character (Class I).
- Form J—Photographs (Class J).
- Form K—Prints and pictorial illustrations (Class K).
- Form KK—Prints or labels used for articles of merchandise (Class K).
- Form L—Motion-picture photoplays (Class L).
- Form M—Motion pictures other than photoplays (Class M).
- Form R—For renewal copyright of works other than commercial prints and labels.
- Form RR—For renewal copyright of commercial prints or labels.
- Form U—For notice of use of musical compositions on mechanical instruments.

§ 202.2 *Books (Class A)*. This class includes such publications as fiction and non-fiction, poems, compilations, composite works, directories, catalogs, annual publications, information in tabular form, and similar text matter, with or

without illustrations, published as a book, pamphlet, leaflet, card, single page or the like. Foreign periodicals and contributions thereto are also registered in this class. Applications for registration in Class A for American editions are made on Form A, and foreign editions on Form A Foreign.

§ 202.3 *Periodicals (Class B)*. This class includes such publications as newspapers, magazines, reviews, bulletins, and serial publications, which appear at intervals of less than a year. Applications for registration of these works in Class B are made on Form B. Applications for registration of serial publications which are not "periodicals" should be made in Class A. Contributions to periodicals are also registered in Class B on Form B5, except in the case of advertisements (commercial prints) which are registered in Class K on Form KK. Applications for registration of periodicals produced outside of the United States and contributions to such periodicals will be received on Form A Foreign.

§ 202.4 *Lectures or similar productions prepared for oral delivery (Class C)*. This class includes unpublished works such as lectures, sermons, addresses, monologs, recording scripts, and scripts for television and radio programs. When these works are published, registration should be made in Class A.

§ 202.5 *Dramatic and dramatico-musical compositions (Class D)*. This class includes works dramatic in character such as plays, dramatic scripts designed for radio or television broadcast, pantomimes, ballets, musical comedies and operas.

§ 202.6 *Musical compositions (Class E)*. This class includes all musical compositions (other than dramatico-musical compositions), with or without words, as well as new versions of musical compositions, such as adaptations, arrangements and editings, when such editing is the writing of an author.

§ 202.7 *Maps (Class F)*. This class includes all published cartographic representations of areas, such as terrestrial maps and atlases, marine charts, celestial maps and such three-dimensional works as globes and relief models.

§ 202.8 *Works of art (Class G)*—(a) *In general*. This class includes works of artistic craftsmanship, in so far as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as all works belonging to the fine arts, such as paintings, drawings and sculpture. Works of art and models or designs for works of art are registered in Class G on Form G, except published three-dimensional works of art which require Form GG.

(b) *Published three-dimensional works of art*. All applications for copyright registration of published three-dimensional works of art shall be accompanied by as many photographs, in black and white or in color, as are necessary to identify the work. Each photograph shall not be larger than nine by twelve inches, but preferably shall be eight by ten inches, nor shall it present an image of the work smaller than four inches in its greatest dimension. The title of the work shall appear on each photograph. In addition to the photographs, application on Form GG, and the statutory registration fee, each applicant shall select and comply with one of the following options:

(1) *Option A*. Send two copies of the best edition of the work (or one copy,

if by a foreign author and published in a foreign country). The Copyright Office will retain the copies for disposition in accordance with its usual practice.

(2) *Option B*. Send two copies of the best edition of the work (or one copy, if by a foreign author and published in a foreign country) and in addition mark the package with the special label supplied by the Copyright Office or by the use of other appropriate means indicating that Option B has been chosen. The Copyright Office will promptly return the copies to the copyright claimant or to his agent, at an address within the United States at his expense.

(3) *Option C*. Send no copies of the work. If Option C is selected the Copyright Office will issue its certificate, bearing a notation that photographs were accepted in place of copies, but expresses no opinion as to the need for, or possible effect of delay in, making deposit of copies prior to suit for infringement of copyright.

§ 202.9 *Reproductions of works of art (Class H)*. This class includes published reproductions of existing works of art in the same or a different medium, such as a lithograph, photoengraving, etching or drawing of a painting, sculpture or other work of art.

§ 202.10 *Drawings or plastic works of a scientific or technical character (Class I)*. This class includes diagrams or models illustrating scientific or technical works, or formulating scientific or technical information in linear or plastic form, such as an architect's or an engineer's plan or design, a mechanical drawing, or an anatomical model.

§ 202.11 *Photographs (Class J)*. This class includes photographic prints and filmstrips, slide films and individual slides. Photoengravings and other photo-mechanical reproductions of photographs are registered in Class K on Form K.

§ 202.12 *Prints, pictorial illustrations and commercial prints or labels (Class K)*. This class includes prints or pictorial illustrations, greeting cards, picture postcards and similar prints, produced by means of lithography, photoengraving or other methods of reproduction. These works are registered on Form K. A print or label, not a trademark published in connection with the sale or advertisement of an article or articles of merchandise is also registered in this class on Form KK.

§ 202.13 *Motion-picture photoplays (Class L)*. This class includes motion pictures, dramatic in character, such as features, serials, animated cartoons, musical plays, and similar productions intended for projection on a screen, or for transmission by television or other means.

§ 202.14 *Motion pictures other than photoplays (Class M)*. This class includes non-dramatic motion pictures, such as newsreels, musical shorts, travelogues, educational and vocational guidance films, and similar productions intended for projection on a screen, or for transmission by television or other means.

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[SEAL] SAM B. WARNER,
Register of Copyrights.

Approved: December 22, 1948.

LUTHER H. EVANS,
Librarian of Congress.

[P. R. Doc. 48-11587; Filed, Dec. 28, 1948; 9:00 a. m.]