

Application Form PA

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When to Use This Form: Use Form PA for registration of published or unpublished works of the performing arts. This class includes works prepared for the purpose of being “performed” directly before an audience or indirectly “by means of any device or process.” Works of the performing arts include: (1) musical works, including any accompanying words; (2) dramatic works, including any accompanying music; (3) pantomimes and choreographic works; and (4) motion pictures and other audiovisual works.

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 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Unpublished Work: Deposit one complete copy (or phonorecord).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.

Motion Pictures: Deposit *both* of the following: (1) a separate written description of the contents of the motion picture; and (2) for a published work, one complete copy of the best edition of the motion picture; or, for an unpublished work, one complete copy of the motion picture or identifying material. Identifying material may be either an audiorecording of the entire soundtrack or one frame enlargement or similar visual print from each 10-minute segment.

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 Notice.”

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. If the work you are registering is an entire “collective work” (such as a collection of plays or songs), give the overall title of the collection. If you are registering one or more individual contributions to a collective work, give the title of each contribution, followed by the title of the collection. For an unpublished collection, you may give the titles of the individual works after the collection title.

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.

Nature of This Work: Briefly describe the general nature or character of the work being registered for copyright. Examples: “Music”; “Song Lyrics”; “Words and Music”; “Drama”; “Musical Play”; “Choreography”; “Pantomime”; “Motion Picture”; “Audiovisual Work.”

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 additional Continuation Sheets. In the case of a collective work such as a songbook or a collection of plays, 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 work 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 Music 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 (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: Give a brief general statement of the nature of this particular author’s contribution to the work. Examples: “Words”; “Coauthor of Music”; “Words and Music”; “Arrangement”; “Coauthor of Book and Lyrics”; “Dramatization”; “Screen Play”; “Compilation and English Translation”; “Editorial Revisions.”

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 PA; instead, write the Copyright Office for informa-

tion 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 musical arrangements, dramatizations, translations, abridgments, condensations, motion picture versions, 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): Complete this space **and** space 6b for derivative works. In this space identify the preexisting work that has been recast, transformed, or adapted. For example, the preexisting material might be: “French version of Hugo’s ‘Le Roi s’amuse.’” Do not complete this space for compilations.

Material Added to This Work (space 6b): Give a brief, general statement of the **additional** new material covered by the copyright claim for which registration is sought. In the case of a derivative work, identify this new material. Examples: “Arrangement for piano and orchestra”; “Dramatization for television”; “New film version”; “Revisions throughout; Act III completely new.” If the work is a compilation, give a brief, general statement describing both the material that has been compiled **and** the compilation itself. Example: “Compilation of 19th Century Military Songs.”

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 the 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.

MORE INFORMATION

How to Register a Recorded Work: If the musical or dramatic work that you are registering has been recorded (as a tape, disk, or cassette), you may choose either copyright application Form PA (Performing Arts) or Form SR (Sound Recordings), depending on the purpose of the registration.

Form PA should be used to register the underlying musical composition or dramatic work. Form SR has been developed specifically to register a “sound recording” as defined by the Copyright Act—a work resulting from the “fixation of a series of sounds,” separate and distinct from the underlying musical or dramatic work. Form SR should be used when the copyright claim is limited to the sound recording itself. (In one instance, Form SR may also be used to file for a copyright registration for both kinds of works—see (4) below.) Therefore:

(1) **File Form PA** if you are seeking to register the musical or dramatic work, not the “sound recording,” even though what you deposit for copyright purposes may be in the form of a phonorecord.

(2) **File Form PA** if you are seeking to register the audio portion of an audiovisual work, such as a motion picture soundtrack; these are considered integral parts of the audiovisual work.

(3) **File Form SR** if you are seeking to register the “sound recording” itself, that is, the work that results from the fixation of a series of musical, spoken, or other sounds, but not the underlying musical or dramatic work.

(4) **File Form SR** if you are the copyright claimant for both the underlying musical or dramatic work and the sound recording, *and* you prefer to register both on the same form.

(5) **File both forms PA and SR** if the copyright claimant for the underlying work and sound recording differ, or you prefer to have separate registration for them.

“Copies” and “Phonorecords”: To register for copyright, you are required to deposit “copies” or “phonorecords.” These are defined as follows:

Musical compositions may be embodied (fixed) in “copies,” objects from which a work can be read or visually perceived, directly or with the aid of a machine or device, such as manuscripts, books, sheet music, film, and videotape. They may also be fixed in “phonorecords,” objects embodying fixations of sounds, such as tapes and phonograph disks, commonly known as phonograph records. For example, a song (the work to be registered) can be reproduced in sheet music (“copies”) or phonograph records (“phonorecords”), or both.