§ 101. Definitions

101A. Limitations on exclusive rights: reproduction for blind or other people with disabilities in Marrakesh Treaty countries.

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Editorial Notes

AMENDMENTS


§ 101. Definitions

Except as otherwise provided in this title, as used in this title, the following terms and their variant forms mean the following:

An “anonymous work” is a work on the copies or phonorecords of which no natural person is identified as author.

An “architectural work” is the design of an older building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings. The work includes the overall form as well as the arrangement and composition of spaces and elements in the design, but does not include individual standard features.

“Audiovisual works” are works that consist of a series of related images which are intrinsically intended to be shown by the use of machines, or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.

The “Berne Convention” is the Convention for the Protection of Literary and Artistic Works, signed at Berne, Switzerland, on September 9, 1886, and all acts, protocols, and revisions thereto.

The “best edition” of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.

A person’s “children” are that person’s immediate offspring, whether legitimate or not, and any children legally adopted by that person.

A “collective work” is a work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.

A “compilation” is 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. The term “compilation” includes collective works.

A “computer program” is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

“Copies” are material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term “copies” includes the material object, other than a phonorecord, in which the work is first fixed.

“Copyright owner”, with respect to any one of the exclusive rights comprised in a copyright, refers to the owner of that particular right.

A “Copyright Royalty Judge” is a Copyright Royalty Judge appointed under section 802 of this title, and includes any individual serving as an interim Copyright Royalty Judge under such section.

A work is “created” when it is fixed in a copy or phonorecord for the first time; where a work is prepared over a period of time, the portion of it that has been fixed at any particular time constitutes the work as of that time, and where the work has been prepared in different versions, each version constitutes a separate work.

A “derivative work” is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other
modifications which, as a whole, represent an
original work of authorship, is a “derivative
work”.

A “device”, “machine”, or “process” is one
now known or later developed.

A “digital transmission” is a transmission
in whole or in part in a digital or other non-
analogue format.

To “display” a work means to show a copy
of it, either directly or by means of a film,
slide, television image, or any other device or
process or, in the case of a motion picture or
other audiovisual work, to show individual
images nonsequentially.

An “establishment” is a store, shop, or any
similar place of business open to the general
public for the primary purpose of selling goods
or services in which the majority of the gross
square feet of space that is nonresidential is
used for that purpose, and in which nondramatic
musical works are performed publicly.

The term “financial gain” includes receipt,
or expectation of receipt, of anything of value,
including the receipt of other copyrighted
works.

A work is “fixed” in a tangible medium of
expression when its embodiment in a copy or
phonorecord, by or under the authority of the
author, is sufficiently permanent or stable to
permit it to be perceived, reproduced, or oth-
erwise communicated for a period of more
than transitory duration. A work consisting of
sounds, images, or both, that are being trans-
mittted, is “fixed” for purposes of this title if
a fixation of the work is being made simulta-
naneously with its transmission.

A “food service or drinking establishment”
is a restaurant, inn, bar, tavern, or any other
similar place of business in which the public
or patrons assemble for the primary purpose
of being served food or drink, in which the ma-
jority of the gross square feet of space that is
nonresidential is used for that purpose, and in
which nondramatic musical works are per-
formed publicly.

The “Geneva Phonograms Convention” is
the Convention for the Protection of Pro-
duction of Phonograms Against Unauthorized
Duplication of Their Phonograms, concluded
at Geneva, Switzerland, on October 29, 1971.
The “gross square feet of space” of an estab-
ishment means the entire interior space of
that establishment, and any adjoining outdoor
space used to serve patrons, whether on a sea-
sonal basis or otherwise.

The terms “including” and “such as” are il-
lustrative and not limiting.

An “international agreement” is—

(1) the Universal Copyright Convention;
(2) the Geneva Phonograms Convention;
(3) the Berne Convention;
(4) the WTO Agreement;
(5) the WIPO Copyright Treaty;
(6) the WIPO Performances and
Phonograms Treaty; and
(7) any other copyright treaty to which the
United States is a party.

A “joint work” is a work prepared by two or
more authors with the intention that their
contributions be merged into inseparable or
interdependent parts of a unitary whole.

“Literary works” are works, other than audiovisual works, expressed in words, num-
ers, or other verbal or numerical symbols or
indicia, regardless of the nature of the mate-
rial objects, such as books, periodicals, manu-
scripts, phonorecords, film, tapes, disks, or
cards, in which they are embodied.

The term “motion picture exhibition facili-
ty” means a movie theater, screening room,
or other venue that is being used primarily for
the exhibition of a copyrighted motion pic-
ture, if such exhibition is open to the public or
is made to an assembled group of viewers out-
side of a normal circle of a family and its so-
cial acquaintances.

“Motion pictures” are audiovisual works
consisting of a series of related images which,
when shown in succession, impart an impres-
sion of motion, together with accompanying
sounds, if any.

To “perform” a work means to recite, ren-
der, play, dance, or act it, either directly
or by means of any device or process or, in
the case of a motion picture or other audiovis-
ual work, to show its images in any sequence or
to make the sounds accompanying it audible.

A “performing rights society” is an associa-
tion, corporation, or other entity that licenses
the public performance of nondramatic musi-
cal works on behalf of copyright owners of
such works, such as the American Society of
Composers, Authors and Publishers (ASCAP),
Broadcast Music, Inc. (BMI), and SESAC, Inc.

“Phonorecords” are material objects in
which sounds, other than those accompanying
a motion picture or other audiovisual work,
are fixed by any method now known or later
developed, and from which the sounds can be
perceived, reproduced, or otherwise commu-
nicated, either directly or with the aid of a
machine or device. The term “phonorecords”
includes the material object in which the
sounds are first fixed.

“Pictorial, graphic, and sculptural works”
include two-dimensional and three-dimen-
sional works of fine, graphic, and applied art,
photographs, prints and art reproductions,
maps, globes, charts, diagrams, models, and
technical drawings, including architectural
plans. Such works shall include works of artis-
tic craftsmanship insofar as their form but not
their mechanical or utilitarian aspects are
concerned; the design of a useful article, as
de-
fined in this section, shall be considered a pic-
torial, graphic, or sculptural work only if, and
only to the extent that, such design incor-
porates pictorial, graphic, or sculptural fea-
tures that can be identified separately from,
and are capable of existing independently of,
the utilitarian aspects of the article.

For purposes of section 513, a “proprietor” is
an individual, corporation, partnership, or
other entity, as the case may be, that owns an
establishment or a food service or drinking es-
tablissement, except that no owner or operator
of a radio or television station licensed by the
Federal Communications Commission, cable
system or satellite carrier, cable or satellite
carrier service or programmer, provider of on-
line services or network access or the operator
of facilities therefor, telecommunications
company, or any other such audio or audiovisual service or programmer now known or as may be developed in the future, commercial subscription music service, or owner or operator of any other transmission service, shall under any circumstances be deemed to be a proprietor.

A “pseudonymous work” is a work on the copies or phonorecords of which the author is identified under a fictitious name.

“Publication” is 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. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication.

To perform or display a work “publicly” means—

(1) to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or
(2) to transmit or otherwise communicate a performance or display of the work to a place specified by clause (1) or to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times.

“Registration”, for purposes of sections 205(c)(2), 405, 406, 410(d), 411, 412, and 506(e), means a registration of a claim in the original or the renewed and extended term of copyright.

“Sound recordings” are works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work, regardless of the nature of the material objects, such as disks, tapes, or other phonorecords, in which they are embodied.

“A State” includes the District of Columbia and the Commonwealth of Puerto Rico, and any territories to which this title is made applicable by an Act of Congress.

A “transfer of copyright ownership” is an assignment, mortgage, exclusive license, or any other conveyance, alienation, or hypothecation of a copyright or of any of the exclusive rights comprised in a copyright, whether or not it is limited in time or place of effect, but not including a nonexclusive license.

A “transmission program” is a body of material that, as an aggregate, has been produced for the sole purpose of transmission to the public in sequence and as a unit.

To “transmit” a performance or display is to communicate it by any device or process whereby images or sounds are received beyond the place from which they are sent.

A “treaty party” is a country or intergovernmental organization other than the United States that is a party to an international agreement.

The “United States”, when used in a geographical sense, comprises the several States, the District of Columbia and the Commonwealth of Puerto Rico, and the organized territories under the jurisdiction of the United States Government.

For purposes of section 411, a work is a “United States work” only if—

(1) in the case of a published work, the work is first published—
(A) in the United States;
(B) simultaneously in the United States and another treaty party or parties, whose law grants a term of copyright protection that is the same as or longer than the term provided in the United States;
(C) simultaneously in the United States and a foreign nation that is not a treaty party; or
(D) in a foreign nation that is not a treaty party, and all of the authors of the work are nationals, domiciliaries, or habitual residents of, or in the case of an audiovisual work legal entities with headquarters in, the United States;

(2) in the case of an unpublished work, all the authors of the work are nationals, domiciliaries, or habitual residents of the United States, or, in the case of an unpublished audiovisual work, all the authors are legal entities with headquarters in the United States;

(3) in the case of a pictorial, graphic, or sculptural work incorporated in a building or structure, the building or structure is located in the United States.

A “useful article” is an article having an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article that is normally a part of a useful article is considered a “useful article”.

The author’s “widow” or “widower” is the author’s surviving spouse under the law of the author’s domicile at the time of his or her death, whether or not the spouse has later remarried.

The “WIPO Copyright Treaty” is the WIPO Copyright Treaty concluded at Geneva, Switzerland, on December 20, 1996.

The “WIPO Performances and Phonograms Treaty” is the WIPO Performances and Phonograms Treaty concluded at Geneva, Switzerland, on December 20, 1996.

A “work of visual art” is—

(1) a painting, drawing, print, or sculpture, existing in a single copy, in a limited edition of 200 copies or fewer that are signed and consecutively numbered by the author, or, in the case of a sculpture, in multiple cast, carved, or fabricated sculptures of 200 or fewer that are consecutively numbered by the author and bear the signature or other identifying mark of the author; or
(2) a still photographic image produced for exhibition purposes only, existing in a single copy that is signed by the author, or in a limited edition of 200 copies or fewer that are signed and consecutively numbered by the author.
A work of visual art does not include—

(A)(i) any poster, map, globe, chart, technical drawing, diagram, model, applied art, motion picture or other audiovisual work, book, magazine, newspaper, periodical, data base, electronic information service, electronic publication, or similar publication;

(ii) any merchandising item or advertising, promotional, descriptive, covering, or packaging material or container;

(iii) any portion or part of any item described in clause (i) or (ii);

(B) any work made for hire; or

(C) any work not subject to copyright protection under this title.

A “work of the United States Government” is a work prepared by an employee of the United States Government as part of that person’s official duties.

A “work made for hire” is—

(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 tests, 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. For the purpose of the foregoing sentence, a “supplementary work” is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwords, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendices, and indexes, and an “instructional text” is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities.

In determining whether any work is eligible to be considered a work made for hire under paragraph (2), neither the amendment contained in section 1011(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, nor the deletion of the words added by that amendment—

(A) shall be considered or otherwise given any legal significance, or

(B) shall be interpreted to indicate congressional approval or disapproval of, or acquiescence in, any judicial determination, by the courts or the Copyright Office. Paragraph (2) shall be interpreted as if both section 2(a)(1) of the Work Made For Hire and Copyright Corrections Act of 2000 and section 1011(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, were never enacted, and without regard to any inaction or awareness by the Congress at any time of any judicial determinations.
made for hire”, inserted after par. (2) provisions relating to considerations and interpretations to be used in determining whether any work is eligible to be considered a work made for hire under par. (2).

Pub. L. 106–379, §2(a)(1), in definition of “work made for hire”, struck out “as a sound recording,” after “motion picture or other audiovisual work.” In par. (2), 1999—Pub. L. 106–113, which directed the insertion of “as a sound recording;” after “audiovisual work” in par. (2) of definition relating to work made for hire, was executed by making the insertion after “audiovisual work,” to reflect the probable intent of Congress.

Pub. L. 106–44, §1(g)(1)(B), in definition of “proprietor”, substituted “For purposes of section 513, a ‘proprietor’” for “A ‘proprietor’”.

Pub. L. 106–44, §1(g)(1)(A), transferred definition of “United States work” to appear after definition of “United States”.


Pub. L. 105–304, §102(a)(2), in definition of “country of origin” substituted “For purposes of section 411, a work is a ‘United States work’ only if” for “The ‘country of origin’ of a Berne Convention work, for purposes of section 411, is the United States if” in introductory provisions, substituted “treaty party or parties” for “nation or nations adhering to the Berne Convention” in par. (1)(B) and “is not a treaty party” for “does not adhere to the Berne Convention” in par. (1)(C), (D), and struck out at end “For the purposes of section 411, the ‘country of origin’ of any other Berne Convention work is not the United States.”

Pub. L. 105–298, §205(1), inserted definitions of “establishment” and “food service or drinking establishment”.


Pub. L. 105–298, §203(2), inserted definition of “gross square feet of space”.

Pub. L. 105–304, §102(a)(4), inserted definition of “international agreement”.

Pub. L. 105–298, §205(3), (4), inserted definitions of “performing rights society” and “proprietor”.

Pub. L. 105–304, §102(a)(5), inserted definition of “treaty party”.

Pub. L. 105–304, §102(a)(6), inserted definition of “WIPO Copyright Treaty”.


Pub. L. 105–304, §102(a)(8), inserted definitions of “WTO Agreement” and “WTO member country”.


Pub. L. 105–80, in definition of to perform or to display a work “publicly”, substituted “substituted ‘process’ for ‘process in public’ in par. (2).”


1992—Pub. L. 102–563 substituted “Except as otherwise provided in this title, as used” for “As used” in introductory provisions.

Pub. L. 102–307 inserted definition of “registration”.

1990—Pub. L. 101–650, §702(a), inserted definition of “architectural work”.


Pub. L. 101–650, §602, inserted definition of “work of visual art”.


Pub. L. 100–568, §4(a)(1)(C), inserted definition of “country of origin”.

Pub. L. 100–568, §4(a)(1)(A), in definition of “Pictorial, graphic, and sculptural works” substituted “diagrams, models, and technical drawings, including architectural plans” for “technical drawings, diagrams, and models”.

1980—Pub. L. 96–517 inserted definition of “computer program”.

Statutory Notes and Related Subsidiaries

Effective Date of 2004 Amendment


Effective Date of 2000 Amendment


Effective Date of 1999 Amendment

Pub. L. 106–113, div. B, §1000(a)(9) [title I, §1012], Nov. 29, 1999, 113 Stat. 1536, 1501A–544, provided that: “Sections 1001, 1003, 1005, 1007, 1008, 1009, 1010, and 1011 [enacting sections 338 and 339 of Title 47, Telecommunications, amending this section, sections 111, 119, 501, and 510 of this title, and sections 325 of Title 17, enacting provisions set out as a note under this section and section 325 of Title 47, and amending sections 112, 119, and 501 of this title] shall be effective as of July 1, 1999.”

Effective Date of 1998 Amendment


“(a) In General.—Except as otherwise provided in this title [see section 101 of Pub. L. 105–204, set out as a Short Title of 1998 Amendment note below], this title and the amendments made by this title shall take effect on the date of the enactment of this Act [Oct. 28, 1998].

“(b) Amendments Relating to Certain International Agreements.—(1) The following shall take effect upon the entry into force of the WIPO Copyright Treaty with respect to the United States [Mar. 6, 2002]:

“(A) Paragraph (6) of the definition of ‘international agreement’ contained in section 101 of title 17, United States Code, as amended by section 102(a)(4) of this Act.

“(B) The amendment made by section 102(a)(6) of this Act [amending this section].

“(C) Subparagraph (C) of section 104A(h)(1) of title 17, United States Code, as amended by section 102(c)(1) of this Act.

“(D) Subparagraph (C) of section 104A(h)(3) of title 17, United States Code, as amended by section 102(c)(2) of this Act.

“(2) The following shall take effect upon the entry into force of the WIPO Performances and Phonograms Treaty with respect to the United States [May 20, 2002]:

“(A) Paragraph (6) of the definition of ‘international agreement’ contained in section 101 of title 17, United States Code, as amended by section 102(a)(4) of this Act.

“(B) The amendment made by section 102(a)(7) of this Act [amending this section].

“(C) The amendment made by section 102(b)(2) of this Act [amending section 104 of this title].

“(D) Subparagraph (D) of section 104A(h)(1) of title 17, United States Code, as amended by section 102(c)(1) of this Act.

“(E) Subparagraph (D) of section 104A(h)(3) of title 17, United States Code, as amended by section 102(c)(2) of this Act.

“(F) The amendments made by section 102(c)(3) of this Act [amending section 104A of this title].”
The text from the image is not clearly readable due to the quality of the image. It appears to contain legal or legislative text, possibly related to copyright law, given the context of "TITLE 17—COPYRIGHTS" and references to amendments. However, the text is not legible enough to transcribe accurately. For a proper transcription, a clearer image or a different representation of the text is needed.
Title] may be cited as the ‘Webcaster Settlement Act of 2002’.”

**Short Title of 2008 Amendment**


**Short Title of 2006 Amendment**

Pub. L. 109–303, § 1, Oct. 6, 2006, 120 Stat. 1478, provided that: “This Act [amending sections 111, 114, 115, 118, 119, 801 to 804, and 1607 of this title, enacting provisions set out as notes under sections 111 and 119 of this title, and amending provisions set out as a note under section 801 of this title] may be cited as the ‘Copyright Royalty Judges Program Technical Corrections Act’.”

**Short Title of 2005 Amendment**

Pub. L. 109–9, § 1, Apr. 27, 2005, 119 Stat. 218, provided that: “This Act [enacting section 2319B of Title 18, Crimes and Criminal Procedure, amending this section and sections 108, 110, 408, 411, 412, and 506 of this title, sections 179m, 179n, 178q, and 179w of Title 2, The Congress, section 1114 of Title 15, Commerce and Trade, section 2319 of Title 18, and sections 151703, 151705, 151706, and 151711 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, enacting provisions set out as notes under this section, section 179w of Title 2, and section 101 of Title 36, and provisions listed in a table relating to sentencing guidelines set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Family Entertainment and Copyright Act of 2005’.”

Pub. L. 109–9, title I, § 101, Apr. 27, 2005, 119 Stat. 218, provided that: “This title [enacting section 2319B of Title 18, Crimes and Criminal Procedure, amending this section, sections 408, 411, 412, and 506 of this title, and section 2319 of Title 18, and enacting provisions listed in a table relating to sentencing guidelines set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Artists’ Rights and Theft Prevention Act of 2005’ or the ‘ART Act’.”

Pub. L. 109–9, title II, § 201, Apr. 27, 2005, 119 Stat. 223, provided that: “This title [amending section 110 of this title and section 1114 of Title 15, Commerce and Trade] may be cited as the ‘Family Movie Act of 2005’.”


**Short Title of 2004 Amendment**


Pub. L. 108–419, § 1, Nov. 30, 2004, 118 Stat. 2341, provided that: “This Act [enacting chapter 8 of this title, amending this section and sections 111, 112, 114 to 116, 118, 119, 1004, 1006, 1007, and 1010 of this title, and enacting provisions set out as a note under section 801 of this title] may be cited as the ‘Copyright Royalty and Distribution Reform Act of 2004’.”

**Short Title of 2002 Amendment**


**Short Title of 2000 Amendment**

Pub. L. 106–379, § 1, Oct. 27, 2000, 114 Stat. 1444, provided that: “This Act [amending this section and sections 121, 705, and 708 of this title, repealing section 710 of this title, and enacting provisions set out as notes under this section and enacting provisions set out as notes under this section and section 325 of Title 47, enacting provisions set out as notes under this section and section 325 of Title 47, and amending provisions set out as a note under section 119 of this title] may be cited as the ‘Work Made For Hire and Copyright Corrections Act of 2000’.”

**Short Title of 1999 Amendment**

Pub. L. 106–160, § 1, Dec. 9, 1999, 113 Stat. 1774, provided that: “This Act [amending section 504 of this title and enacting provisions set out as notes under section 504 of this title and section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Digital Theft Deterrence and Copyright Damages Improvement Act of 1999’.”

Pub. L. 106–119, div. B, § 1000(a)(9) [title I, § 1001], Nov. 29, 1999, 113 Stat. 1586, 1501A–523, provided that: “This title [enacting section 122 of this title and sections 338 and 339 of Title 47, Telecommunications, amending this section, sections 111, 119, 501, and 510 of this title, and enacting section 325 of Title 47, enacting provisions set out as notes under this section and section 325 of Title 47, and amending provisions set out as a note under section 119 of this title] may be cited as the ‘Satellite Home Viewer Improvement Act of 1999’.”

**Short Title of 1998 Amendment**

Pub. L. 105–304, § 1, Oct. 28, 1998, 112 Stat. 2860, provided that: “This Act [amending sections 121, 705, 708, 1104, 1114, 1115, 701, and 801 to 803 of this title, section 5314 of Title 5, Government Organization and Employees, sections 1338, 1400, and 1498 of Title 28, and section 3 of Title 35, Patents, and enacting provisions set out as notes under this section and sections 108, 109, 112, 114, 512, and 1301 of this title] may be cited as the ‘Digital Millennium Copyright Act’.”


section 304 of this title] may be referred to as the ‘Sonny Bono Copyright Term Extension Act’.


**SHORT TITLE OF 1996 AMENDMENT**


**SHORT TITLE OF 1994 AMENDMENT**


**SHORT TITLE OF 1993 AMENDMENT**

Pub. L. 103–198, §1, Dec. 17, 1993, 107 Stat. 2304, provided that: ‘‘This Act [amending sections 111, 116, 118, 119, 801 to 803, 1004 to 1007, and 1010 of this title and section 1238 of Title 8, Aliens and Nationality, renumbering sections 116A and 804 of this title as sections 116 and 803, respectively, of this title, repealing sections 116, 803, and 805 to 810 of this title, and enacting provisions set out as notes under section 801 of this title and section 1288 of Title 8] may be cited as the ‘Copyright Royalty Tribunal Reform Act of 1993.’’

**SHORT TITLE OF 1992 AMENDMENT**

Pub. L. 102–563, §1, Oct. 28, 1992, 106 Stat. 4237, provided that: ‘‘This Act [enacting chapter 10 of this title, amending this section, sections 801, 804, and 912 of this title, and section 1337 of Title 19, Customs Duties, and enacting provisions set out as a note under section 1001 of this title] may be cited as the ‘Audio Home Recording Act of 1992.’’

Pub. L. 102–307, §1, June 26, 1992, 106 Stat. 2401, provided that: ‘‘This Act [enacting sections 179 to 179f of Title 2, The Congress, amending this section and sections 108, 304, 408, 409, and 708 of this title, repealing sections 178 to 178l of Title 2, enacting provisions set out as notes under this section, section 304 of this title, and section 179f of Title 2, and repealing provisions set out as a note under section 178f of Title 2] may be cited as the ‘Copyright Renewal Act of 1992.’’

**SHORT TITLE OF 1991 AMENDMENT**

Pub. L. 102–64, §1, June 28, 1991, 105 Stat. 323, provided that: ‘‘This Act [amending section 914 of this title and enacting provisions set out as a note under section 914 of this title] may be cited as the ‘Semiconductor International Protection Extension Act of 1991.’’

**SHORT TITLE OF 1990 AMENDMENT**


Pub. L. 101–650, title VII, §701, Dec. 1, 1990, 104 Stat. 5133, provided that: ‘‘This title [enacting section 120 of this title, amending this section and sections 102, 106, and 301 of this title, and enacting provisions set out as a note above] may be cited as the ‘Architectural Works Copyright Protection Act.’


Pub. L. 101–533, §1, Nov. 15, 1990, 104 Stat. 2749, provided that: ‘‘This Act [enacting section 101 of this title, amending sections 501, 910, and 911 of this title, and enacting provisions set out as a note under section 501 of this title] may be cited as the ‘Copyright Royalty Clarification Act.’

Pub. L. 101–319, §1, July 3, 1990, 104 Stat. 290, provided that: ‘‘This Act [amending sections 701 and 802 of this title and sections 5315 and 5316 of Title 5, Government Organization and Employees, enacting provisions set out as a note under section 701 of this title] may be cited as the ‘Copyright Fee and Technical Amendments Act of 1990.’’

**SHORT TITLE OF 1989 AMENDMENT**

Pub. L. 104–39, §1, Nov. 16, 1988, 102 Stat. 3949, provided that: ‘‘This Act [amending section 119 of this title and sections 112 and 113 of Title 17, Copyrights, enacting provisions set out as notes under section 119 of this title] may be cited as the ‘Copyright Amendments Act of 1989.’’

**SHORT TITLE OF 1988 AMENDMENT**

Pub. L. 104–39, §1, Nov. 16, 1988, 102 Stat. 3949, provided that: ‘‘This Act [amending sections 111 and 119 of this title and sections 112 and 113 of Title 17, Copyrights, enacting provisions set out as notes under section 119 of this title] may be cited as the ‘Copyright Amendments Act of 1989.’’

**SHORT TITLE OF 1984 AMENDMENT**

Pub. L. 98–620, title III, §301, Nov. 8, 1984, 98 Stat. 3347, provided that: ‘‘This title [enacting chapter 9 of this title] may be cited as the ‘Semiconductor Chip Protection Act of 1984.’’

Pub. L. 98–650, §1, Oct. 8, 1984, 98 Stat. 1727, provided that: ‘‘This Act [amending sections 108 and 115 of this title and enacting provisions set out as notes under section 109 of this title] may be cited as the ‘Record Rental Amendment of 1984.’’

**SHORT TITLE OF 1976 ACT**

Pub. L. 94–553, Oct. 19, 1976, 90 Stat. 2541, which enacted this title and section 170 of Title 2, The Congress, amending section 131 of Title 2, section 2906 of Title 15, Commerce and Trade, section 2318 of Title 18, Crimes and Criminal Procedure, section 543 of Title 26, Internal Revenue Code, section 1498 of Title 28, Judiciary and Judicial Procedure, sections 8320 and 2326 of Title 39, Postal Service, and sections 505 and 2117 of Title 44, Public Printing and Documents, and enacted provisions set out as notes preceding this section and under sections 115, 101, 401, 407, 410, and 501 of this title, is popularly known as the ‘Copyright Act of 1976’. **SEVERABILITY**

Pub. L. 96–379, §2(b)(2), Oct. 27, 2000, 114 Stat. 1444, provided that: ‘‘If the provisions of paragraph (1) [see Effective Date of 2000 Amendment note above], or any application of such provisions to any person or cir-
Subject matter of copyright: In general

(a) Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

1. literary works;
2. musical works, including any accompanying words;
3. dramatic works, including any accompanying music;
4. pantomimes and choreographic works;
5. pictorial, graphic, and sculptural works;
6. motion pictures and other audiovisual works;
7. sound recordings; and
8. architectural works.

(b) In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

Original Works of Authorship. The two fundamental criteria of copyright protection—originality and fixation in tangible form—are restated in the first sentence of this cornerstone provision. The phrase “original works of authorship,” which is purposely left undefined, is intended to incorporate without change the standard of originality established by the courts under the present copyright statute. This standard does not include requirements of novelty, ingenuity, or esthetic merit, and there is no intention to enlarge the standard of copyright protection to require them.

In using the phrase “original works of authorship,” rather than “all the writings of an author” now in section 4 of the statute (section 4 of former title 17), the committee’s purpose is to avoid exhausting the constitutional power of Congress to legislate in this field, and to eliminate the uncertainties arising from the lat-