

application shall contain a written declaration, as permitted by 17 U.S.C. 1312(b), signed by the applicant, or the applicant's duly authorized agent or representative. If the design has been made public with the design notice prescribed in 17 U.S.C. 1306, the written declaration shall also describe the exact form and position of the design notice. The written declaration shall read as follows:

The undersigned, as the applicant or the applicant's duly appointed agent or representative, being hereby warned that willful false statements are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this application or any resulting registration, hereby declares to the best of his/her knowledge and belief:

- (1) That the design has been fixed in a useful article;
- (2) That the design is original and was created by the designer(s), or employer if applicable, named in the application;
- (3) That those aspects of the design for which registration is sought are not protected by a design patent;
- (4) That the design has not previously been registered on behalf of the applicant or the applicant's predecessor in title; and
- (5) That the applicant is the person entitled to protection and to registration under chapter 13 of title 17, United States Code.

(h) *Priority claims.* An applicant seeking the benefit of 17 U.S.C. 1311 because the applicant has, within the previous six months, filed an application for protection of the same design in a foreign country, must provide:

- (1) Identification of the filing date of the foreign application;
- (2) Identification of the foreign country in which the application was filed;
- (3) The serial number or any other identifying number of the foreign application;
- (4) A certified copy of the foreign application;
- (5) A translation of the foreign application and a statement, signed by the translator, that the translation is accurate, if the foreign application is in a language other than English; and
- (6) If requested by the Copyright Office, proof that the foreign country in which the prior application was filed extends to designs of owners who are citizens of the United States, or to applications filed under chapter 13 of title 17, United States Code, similar

protection to that provided under chapter 13 of title 17, United States Code.

(i) *Effective date of registration.* The effective date of registration is the date of publication of the registration by the Copyright Office.

(j) *Publication of registration.* Publication of registrations of vessel designs shall be made on the Copyright Office website (<http://www.loc.gov/copyright/vessels>).

[64 FR 36578, July 7, 1999, as amended at 72 FR 33692, June 19, 2007; 82 FR 9366, Feb. 6, 2017; 83 FR 66630, Dec. 27, 2018]

§ 212.4 Affixation and placement of design notice.

(a) *General.* (1) This section specifies the methods of affixation and placement of the design notice required by 17 U.S.C. 1306. Sections 1306 and 1307 govern the circumstances under which a design notice must be used and the effect of omission of a design notice. A notice deemed acceptable under this part shall be considered to satisfy the requirements of section 1306 that it be so located and applied as to give reasonable notice of design protection while the useful article embodying the design is passing through its normal channels of commerce. As provided in that section, the examples specified in this part shall not be considered exhaustive of the methods of affixation and locations giving reasonable notice of the claim of protection in the design.

(2) The acceptability of a design notice under these regulations shall depend upon its being legible under normal conditions of use, and affixed in such a manner and position that, when affixed, it may be viewed upon reasonable examination. There is no requirement that a design notice be permanently embossed or engraved into a vessel hull or deck, but it should be affixed in such a manner that, under normal conditions of use, it is not likely to become unattached or illegible.

(b) *Elements of a design notice.* If the design has been registered, the registration number may be included in the design notice in place of the year of the date on which protection for the design commenced and the name of the owner, an abbreviation by which the name can be recognized, or a generally

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accepted alternative designation of the owner. The elements of a design notice shall consist of:

(1) The words “Protected Design”, the abbreviation “Prot’d Des.”, or the letter “D” within a circle, or the symbol *D*;

(2) The year of the date on which protection for the design commenced; and

(3) The name of the owner, an abbreviation by which the name can be recognized, or a generally accepted alternative designation of the owner.

(c) *Distinctive identification.* Any distinctive identification of an owner may be used for purposes of paragraph (b)(3) of this section if it has been recorded by the Register of Copyrights pursuant to §212.5 before the design marked with such identification is registered.

(d) *Acceptable locations of notice.* The following are acceptable means of affixing and placement of a design notice:

(1) In close proximity to the identification number required by 33 CFR 181.23;

(2) In close proximity to the driver’s console such that it is in plain view from the console;

(3) If the vessel is twenty feet in length or less and is governed by 33 CFR 183.21, in close proximity to the capacity marking; and

(4) In close proximity to the make and/or model designation of the vessel.

[64 FR 36578, July 7, 1999, as amended at 82 FR 9366, Feb. 6, 2017]

§212.5 Recordation of distinctive identification of vessel designer.

(a) *General.* Any owner of a vessel design may record a distinctive identification with the Register of Copyrights for purposes of using such distinctive identification in a design protection notice required by 17 U.S.C. 1306. A distinctive identification of an owner may not be used in a design notice before it has first been recorded with the Register.

(b) *Forms.* The Copyright Office does not provide forms for the use of persons recording distinctive identifications of ownership of a vessel design. However, persons recording distinctive identifications are encouraged to use the suggested format available on the

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Copyright Office website (<http://www.loc.gov/copyright/vessels>).

(c) *Recording distinctive identifications.* Any distinctive identification of an owner of a vessel design may be recorded with the Register of Copyrights provided that a document containing the following is submitted:

(1) The name and address of the owner;

(2) A statement of the owner that he/she is entitled to use the distinctive identification;

(3) A statement or depiction of the identification; and

(4) The recordation fee in the amount prescribed in §201.3(c) of this chapter.

(d) The document should be mailed to the address specified in §201.1(b)(2) of this chapter.

[64 FR 36578, July 7, 1999, as amended at 67 FR 38005, May 31, 2002; 72 FR 33692, June 19, 2007; 82 FR 9366, Feb. 6, 2017]

§212.6 Recordation of transfers and other documents.

The conditions prescribed in §201.4 of this chapter for recordation of transfers of copyright ownership and other documents pertaining to copyright are applicable to the recordation of documents pertaining to the protection of vessel designs under 17 U.S.C. chapter 13.

[64 FR 36578, July 7, 1999, as amended at 82 FR 9366, Feb. 6, 2017]

§212.7 Reconsideration procedure for refusals to register.

The requirements prescribed in §202.5 of this chapter for reconsideration of refusals to register copyright claims are applicable to requests to reconsider refusals to register vessel designs under 17 U.S.C. chapter 13, unless otherwise required by this part.

[69 FR 77637, Dec. 28, 2004]

§212.8 Correction of errors in certificates of registration.

(a) *General.* (1) This section prescribes conditions relating to the correction of clerical or typographical errors in a certificate of registration of a vessel design, under section 1319 of title 17 of the United States Code, as amended by Public Law 105–304.