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Betsy C. Manifold  
Francis M. Gregorek  
Rachele R. Rickert  
Marisa C. Livesay  
WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP  
750 B Street, Suite 2770  
San Diego, California 92101

*Via E-Mail & U.S. Mail*

Mark C. Rifkin  
Janine Pollack  
Beth A. Landes  
Giti Baghban  
WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP  
270 Madison Avenue  
New York, New York 10016

*Via E-Mail & U.S. Mail*

Randall S. Newman  
RANDALL S. NEWMAN PC  
37 Wall Street, Penthouse D  
New York, New York 10005

*Via E-Mail & U.S. Mail*

Omel A. Nieves  
Alison C. Gibbs  
Kathlynn E. Smith  
HUNT ORTMANN PALFFY NIEVES  
DARLING & MAH, INC.  
301 North Lake Avenue, 7<sup>th</sup> Floor  
Pasadena, California 91101

*Via E-Mail & U.S. Mail*

William R. Hill  
Andrew S. MacKay  
Daniel J. Schacht  
DONAHUE GALLAGHER WOODS LLP  
1999 Harrison Street, 25<sup>th</sup> Floor  
Oakland, California 94612-3520

*Via E-Mail & U.S. Mail*

Lionel Z. Glancy  
Marc L. Godino  
GLANCY BINKOW & GOLDBERG LLP  
1925 Century Park East, Suite 2100  
Los Angeles, California 90067

*Via E-Mail & U.S. Mail*

# **EXHIBIT 96**

1 FRANCIS M. GREGOREK (144785)  
gregorek@whafh.com  
2 BETSY C. MANIFOLD (182450)  
manifold@whafh.com  
3 RACHELE R. RICKERT (190634)  
rickert@whafh.com  
4 MARISA C. LIVESAY (223247)  
livesay@whafh.com  
5 **WOLF HALDENSTEIN ADLER**  
**FREEMAN & HERZ LLP**  
6 750 B Street, Suite 2770  
San Diego, CA 92101  
7 Telephone: 619/239-4599  
8 Facsimile: 619/234-4599

9 *Interim Lead Counsel for Plaintiffs and the [Proposed] Class*

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA -**  
12 **WESTERN DIVISION**

13 GOOD MORNING TO YOU ) Lead Case No. CV 13-04460-GHK (MRWx)  
14 PRODUCTIONS CORP., *et al.*, )  
15 Plaintiffs, ) **PLAINTIFF GOOD MORNING TO**  
16 v. ) **YOU PRODUCTIONS CORP.'S**  
17 ) **INTERROGATORIES TO**  
18 ) **DEFENDANTS – SET NO. ONE**  
19 )  
20 WARNER/CHAPPELL MUSIC, )  
21 INC., *et al.* )  
22 Defendant. )  
23 )  
24 )  
25 )  
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28 )

23 **PROPOUNDING PARTY: PLAINTIFF GOOD MORNING TO YOU**  
24 **PRODUCTIONS CORP.**

25 **RESPONDING PARTIES: DEFENDANTS WARNER/CHAPPELL MUSIC,**  
26 **INC. AND SUMMY-BIRCHARD, INC.**

27 **SET NO.: ONE**

1 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, plaintiff GOOD  
2 MORNING TO YOU PRODUCTIONS CORP. ("Plaintiff"), by and through its  
3 undersigned counsel, hereby propounds the following interrogatories upon  
4 defendants WARNER/CHAPPEL MUSIC, INC. and SUMMY-BIRCHARD, INC.  
5 ("Defendants"), to be answered, under oath, within 30 days or such other time as the  
6 parties may agree or the Court may order.

7 **DEFINITIONS**

8 1. "Defendants" means Warner/Chappell Music, Inc., and Summy-  
9 Birchard, Inc. (or each individually, as context requires).

10 2. "Warner/Chappel," means Warner/Chappell Music, Inc., its subsidiaries  
11 and predecessors in interest, including without limitation Summy-Birchard, Inc.

12 3. "Summy-Birchard" means Summy-Birchard, Inc., its subsidiaries and  
13 predecessors in interest, including without limitation Summy-Birchard, Inc.

14 4. "CFSC" refers to the Clayton F. Summy Co. identified as copyright  
15 owner in the applications for Copyright E51988 and Copyright E51990.

16 5. "ASCAP" refers to the American Society of Composers, Authors and  
17 Publishers.

18 6. "You" or "Your" refers to each Defendant served with these requests.

19 7. "*Happy Birthday to You*" means the song *Happy Birthday to You*.

20 8. "Copyright Office" refers to the United States Copyright Office.

21 9. "Copyright" means statutory copyright.

22 10. "Right" means an interest, including license and Copyright, in or to a  
23 work.

24 11. "Copyright E51988" means the Copyright recorded with the Copyright  
25 Office under the registration number E51988.

26 12. "Copyright E51990" means the Copyright recorded with the Copyright  
27 Office under the registration number E51990.

28



1           7. If the person who verifies the answers to the interrogatories does not  
2 have personal knowledge of the information contained in each answer, that person  
3 shall identify such information and its source.

4           8. Where identification of a Copyright is required, the following shall be  
5 separately stated as to each Copyright:

- 6           a. the title, description, and author(s) of the work as stated on the  
7 application for Copyright;
- 8           b. the title, description, and author(s) of the New Matter, if different from  
9 (a.) in any respect;
- 10          c. the title, description, deposit date, and author(s) of the Deposit Copy, if  
11 different from (a.) or (b.) in any respect;
- 12          d. the Registration Number and registration date;
- 13          e. the Copyright owner;

14          9. Where identification of a meeting is required, state the meeting date,  
15 location and attendees, and the substance of the subjects discussed.

16          10. Where identification of a telephone conversation is required, state the  
17 date of the conversation, the location and identity of the call originator(s),  
18 recipient(s) and all other participants, and the substance of the subjects discussed.

19          11. Where identification of a document is required, separately state as to  
20 each document:

- 21           a. its date, its exact title, and the substance of the document with sufficient  
22 particularity to enable it to be identified and located within any  
23 document production;
- 24           b. the identification and location of the files where the original and each  
25 copy is normally or presently kept;
- 26           c. the name, business affiliation, and last known address of each author,  
27 intended recipient, and person currently in possession of the original or  
28 a copy of the document; and,

1 d. if such document is no longer in existence, state the circumstances  
2 surrounding its elimination, the date and reasons for such elimination,  
3 and, the identity of the person(s) who ordered and/or supervised the  
4 elimination.

5 12. Where information concerning licensing activity is requested, provide  
6 the requested information by license type, such that information about the public  
7 performance licenses, mechanical licenses, synchronization licenses and all other  
8 types of licenses of the Song You have authorized or granted are separately provided.

9 13. Where identification of a person is required, the following shall be  
10 separately stated as to each person:

11 a. the name and last known business address or location and phone number  
12 of each such person; and

13 b. if such person is an individual, additionally state each business position  
14 held by that individual at the time or times for which such identification  
15 is requested; and

16 c. if such a person is not an individual, identify each individual employed  
17 by or representing such person who has knowledge of the matter at  
18 issue.

19 14. If You refuse to respond to any of these interrogatories based on a claim  
20 of privilege or confidentiality, Your statement of the claim shall include all facts  
21 relied upon in support thereof. If You claim attorney work-product privilege,  
22 identify the litigation for which the work-product was prepared.

23 15. If You answer any interrogatory by reference to business records  
24 pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, identify the business  
25 records and provide the name(s) of your employee(s) certifying the documents as  
26 business records for purposes of answering the interrogatory.

27 16. These interrogatories are continuing requests and you are obligated to  
28 notify Plaintiff's counsel right away and amend or supplement your responses as

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1 soon as reasonably possible if you determine that an answer You provided was false,  
2 or if You subsequently obtain information which leads You to believe that Your  
3 response was incomplete or incorrect when made, or that Your response, although  
4 correct and complete when made, is no longer correct and complete.

5 **RELEVANT TIME PERIOD**

6 Unless otherwise specified, the relevant time period for these interrogatories is  
7 June 18, 2009 to the present date (the "Relevant Time Period").

8 **INTERROGATORIES**

9 **INTERROGATORY NO. 1:**

10 Identify and describe in detail each Right that You claim to *Happy Birthday to*  
11 *You*.

12 **INTERROGATORY NO. 2:**

13 Describe the New Matter for which Copyright was claimed on the application  
14 for Copyright E51988.

15 **INTERROGATORY NO. 3:**

16 Describe the New Matter for which Copyright was claimed on the application  
17 for Copyright E51990.

18 **INTERROGATORY NO. 4:**

19 Who wrote the familiar lyrics to *Happy Birthday to You* and when were they  
20 written by that person(s)?

21 **INTERROGATORY NO. 5:**

22 If different than the person You identified in response to Interrogatory No. 4,  
23 who wrote the lyrics to the work in which CFSC claimed Copyright in its application  
24 for Copyright No. E51988, what lyrics did that person(s) write, and when were they  
25 written by that person(s)?

26 **INTERROGATORY NO. 6:**

27 If different than the person You identified in response to Interrogatory No. 4,  
28 who wrote the lyrics to the work in which CFSC claimed Copyright in its application

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1 **INTERROGATORY NO. 14:**

2 Describe Your system of monitoring use of *Happy Birthday to You*, including  
3 monitoring by a performance or reproduction rights organization or other agent(s).

4  
5 Dated: February 12, 2014

**WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP**

6  
7 By: Betsy C. Manifold

8 Betsy C. MANIFOLD  
9 FRANCIS M. GREGOREK

gregorek@whafh.com

10 Betsy C. MANIFOLD

11 manifold@whafh.com

RACHELE R. RICKERT

12 rickert@whafh.com

MARISA C. LIVESAY

13 livesay@whafh.com

14 750 B Street, Suite 2770

15 San Diego, CA 92101

16 Telephone: 619/239-4599

17 Facsimile: 619/234-4599

18 WOLF HALDENSTEIN ADLER  
19 FREEMAN & HERZ LLP

MARK C. RIFKIN (*pro hac vice*)

20 rifkin@whafh.com

JANINE POLLACK (*pro hac vice*)

21 pollack@whafh.com

22 BETH A. LANDES (*pro hac vice*)

23 landes@whafh.com

GITI BAGHBAN (284037)

24 baghban@whafh.com

25 270 Madison Avenue

26 New York, NY 10016

27 Telephone: 212/545-4600

28 Facsimile: 212-545-4753

*Interim Lead Counsel for Plaintiffs*

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# **EXHIBIT 97**

1 GLENN D. POMERANTZ (State Bar No. 112503)  
glenn.pomerantz@mto.com  
2 KELLY M. KLAUS (State Bar No. 161091)  
kelly.klaus@mto.com  
3 ADAM I. KAPLAN (State Bar No. 268182)  
adam.kaplan@mto.com  
4 MUNGER, TOLLES & OLSON LLP  
355 South Grand Avenue  
5 Thirty-Fifth Floor  
Los Angeles, California 90071-1560  
6 Telephone: (213) 683-9100  
Facsimile: (213) 687-3702

7 Attorneys for Defendants  
8 Warner/Chappell Music, Inc. and  
Summy-Birchard, Inc.  
9

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **WESTERN DIVISION**

13 GOOD MORNING TO YOU  
PRODUCTIONS CORP.; et al.,

14 Plaintiffs,

15 v.

16 WARNER/CHAPPELL MUSIC, INC.,  
17 et al.,

18 Defendants.  
19

Lead Case No. CV 13-04460-GHK  
(MRWx)

**DEFENDANTS' OBJECTIONS AND  
RESPONSES TO PLAINTIFFS'  
FIRST SET OF  
INTERROGATORIES**

1 Pursuant to Federal Rule of Civil Procedure 33, Defendants  
2 Warner/Chappell Music, Inc. and Summy-Birchard, Inc. (jointly  
3 “Warner/Chappell”) hereby submit the following objections and responses to  
4 Plaintiffs’ First Set of Interrogatories (“Interrogatories”).

5 **PRELIMINARY STATEMENT**

6 1. These responses are made solely for purposes of this action. Any  
7 information provided in response to any particular Interrogatory is subject to and  
8 without waiver of all objections as to competence, relevance, materiality, propriety,  
9 admissibility, and all other objections on grounds that would permit or require the  
10 exclusion of the information, if such information were offered in evidence, all of  
11 which objections and grounds are hereby expressly reserved and may be interposed  
12 at the time of trial or in response to any motion or application that may be made by  
13 Plaintiffs.

14 2. Discovery in this action is ongoing. Additional information may be  
15 discovered in the future that conceivably could be responsive to one or more of the  
16 Interrogatories propounded by Plaintiffs. In accordance with the provisions of  
17 Federal Rule of Civil Procedure 26(e), Warner/Chappell reserves its right to  
18 supplement its responses to the Interrogatories to the extent that additional  
19 responsive and/or corrective information becomes available, though  
20 Warner/Chappell does not thereby assume any obligation to supplement its  
21 responses to these Interrogatories, other than as required under the Federal Rules of  
22 Civil Procedure. Warner/Chappell reserves all rights to rely at trial or for any  
23 purpose in connection with this action upon any and all such information, whether  
24 or not provided in response to any particular Interrogatory. Nothing stated herein  
25 shall constitute or be construed as a waiver of Warner/Chappell’s right to prove its  
26 contentions through information, documents and/or other materials that currently are  
27 not in its possession, custody, or control.

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1           9. Warner/Chappell objects to any Interrogatory containing the defined  
2 terms “Copyright” and/or “Right” as vague, ambiguous, overbroad and unduly  
3 burdensome to the extent either of those terms includes any copyrights other than  
4 United States copyrights. Warner/Chappell’s responses are limited to U.S.  
5 Copyrights.

6           10. Warner/Chappell objects to any Interrogatory containing the defined  
7 terms “You,” “Your,” “Defendants,” “Warner/Chappell” [sic], and/or “Summy-  
8 Birchard” as vague, ambiguous, overbroad and unduly burdensome to the extent  
9 any of these terms include any entity other than the responding Defendant(s).  
10 Warner/Chappell further objects to Instruction Paragraph 2 as vague, ambiguous,  
11 overbroad and unduly burdensome to the extent it includes any entity or person  
12 other than the responding Defendant(s). Warner/Chappell’s objections herein are  
13 made only on behalf of the responding defendants.

14           11. Warner/Chappell objects to any Interrogatory containing the defined  
15 term “New Matter” as vague and ambiguous, and potentially calling for a legal  
16 conclusion, insofar as it refers to “the work, or subset of work, in which Copyright is  
17 claimed in the application for Copyright.” To the extent an Interrogatory uses the  
18 term “New Matter,” Warner/Chappell construes the Interrogatory to request that  
19 Warner/Chappell identify what, if anything, is stated on an application for copyright  
20 following the question, “State exactly on what new matter copyright is claimed (see  
21 Sec. 6 of Act of 1909).”

22           12. Warner/Chappell objects to any Interrogatory containing the defined  
23 term “Deposit Copy” as vague and ambiguous insofar as it refers to “the work  
24 deposited with the Copyright Office.” “The work” is not deposited with the  
25 Copyright Office; rather, copies of a work are deposited with the Copyright Office  
26 at the time of an application for registration. To the extent an Interrogatory uses the  
27 term “Deposit Copy,” Warner/Chappell construes the Interrogatory to refer to the

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1 copies of the work deposited with the Copyright Office at the time of the application  
2 for registration.

3 13. Warner/Chappell objects to Plaintiff's use of the terms "documents" as  
4 vague, ambiguous, overly broad and unduly burdensome to the extent any of those  
5 terms has a meaning or scope that is different than that required by Rule 34 of the  
6 Federal Rules of Civil Procedure, including, without limitation, to the extent the  
7 terms require Warner/Chappell to search for and provide electronic documents and  
8 information that are not reasonably accessible.

9 14. Warner/Chappell objects to Instruction Paragraph 7 on the ground that  
10 it purports to impose obligations on Warner/Chappell beyond those required by the  
11 Federal Rules of Civil Procedure, the Local Rules of the United States District Court  
12 for the Central District of California, or any other applicable law, rule or order.  
13 Warner/Chappell will respond to the Interrogatories in accordance with the  
14 applicable Rules and Orders of the Court, and not Plaintiffs' Instructions beyond the  
15 same.

16 15. Warner/Chappell objects to Instruction Paragraph 8, and any  
17 Interrogatory that includes the defined term "Copyright," to the extent that the  
18 application of Instruction Paragraph 8 has the effect of increasing the number of  
19 interrogatories served, including discrete subparts, to a number greater than the 25  
20 written interrogatories permitted under Federal Rule of Civil Procedure 33.  
21 Application of Instruction Paragraph 8 has the effect of asking as many as 13  
22 separate interrogatories. Any response by Warner/Chappell to an Interrogatory  
23 requesting the identification of a "Copyright" will include the number of the original  
24 registration only. Plaintiffs are able to read the documentation associated with any  
25 registered copyright.

26 16. Warner/Chappell objects to Instruction Paragraph 11, and any  
27 Interrogatory for which identification of a document is required, to the extent that  
28 the application of Instruction Paragraph 11 has the effect of increasing the number

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1 of interrogatories served, including discrete subparts, to a number greater than the  
2 25 written interrogatories permitted under Federal Rule of Civil Procedure 33.  
3 Application of Instruction Paragraph 11 has the effect of asking as many as 13 (or  
4 more) unique interrogatories. Any response by Warner/Chappell to an Interrogatory  
5 requesting the identification of a document will include information sufficient to  
6 describe the document with reasonable particularity. Plaintiffs are able to read such  
7 documents.

8 17. Warner/Chappell objects to Instruction Paragraph 12, and any  
9 Interrogatory for which “information concerning licensing activity is requested,” to  
10 the extent that the application of Instruction Paragraph 12 has the effect of  
11 increasing the number of interrogatories served, including discrete subparts, to a  
12 number greater than the 25 written interrogatories permitted under Federal Rule of  
13 Civil Procedure 33. Application of Instruction Paragraph 12 has the effect of asking  
14 numerous separate interrogatories. Further, any Interrogatory intended to request  
15 “information concerning licensing activity” is irrelevant to the issues in the first  
16 phase of this litigation.

17 18. Warner/Chappell objects to Instruction Paragraph 13, and any  
18 Interrogatory for which identification of a person is required, to the extent that the  
19 application of Instruction Paragraph 13 has the effect of increasing the number of  
20 interrogatories served, including discrete subparts, to a number greater than the 25  
21 written interrogatories permitted under Federal Rule of Civil Procedure 33.

22 Application of Instruction Paragraph 13 has the effect of asking as many as 4 (or  
23 more) unique interrogatories. Any response by Warner/Chappell to an Interrogatory  
24 requesting the identification of a document will include the person’s name.

25 19. Warner/Chappell objects to Instruction Paragraph 16 to the extent it  
26 purports to impose upon Warner/Chappell any obligation in excess of those required  
27 under the supplementation rules of the Federal Rules of Civil Procedure. Except as  
28 expressly provided in the Rules, Warner/Chappell specifically disclaims any

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1 obligation to supplement its responses or production in response to Plaintiff's  
2 Interrogatories.

3         20. These General Objections are incorporated into each individual  
4 response and supplement response below without further reference.

5                 Warner/Chappell reserves the right to supplement or modify its  
6 responses and objections to the Requests.

7 **INTERROGATORY NO. 1:**

8                 Identify and describe in detail each Right that You claim to *Happy*  
9 *Birthday to You*.

10 **RESPONSE TO INTERROGATORY NO. 1:**

11                 Warner/Chappell incorporates its General Objections.  
12 Warner/Chappell specifically objects to this Interrogatory as vague and ambiguous.  
13 Warner/Chappell further objects to this Interrogatory as overly broad, unduly  
14 burdensome, not reasonably calculated to lead to the discovery of admissible  
15 evidence, and/or lacking in the reasonable particularity required by law,  
16 including insofar as the Interrogatory seeks information relating to any "Right"  
17 other than Copyright, which is the only right in issue in the case. Warner/Chappell  
18 further objects to this Request to the extent it calls for information protected by the  
19 attorney-client privilege and/or work product doctrine.

20                 Subject to and without waiving the foregoing objections,  
21 Warner/Chappell responds as follows: Warner/Chappell owns the copyrights (with  
22 all rights under copyright, as set forth in 17 U.S.C. § 106) to *Happy Birthday to You*  
23 as defined in General Objection 8, above, as evidenced and presumed valid by and  
24 through (1) copyright registration certificate E51990, which includes the lyrics to  
25 *Happy Birthday to You* as defined in General Objection 8, above, and (2) copyright  
26 registration certificate E51988, which includes those same lyrics as well as a second  
27 verse of lyrics, "May your birthday be bright, Full of cheer and delight, Happy

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1 birthday dear \_\_\_\_\_, Happy birthday to you,” as well as the renewals of both  
2 copyrights.

3 **INTERROGATORY NO. 2:**

4 Describe the New Matter for which Copyright was claimed on the  
5 application for Copyright E51988.

6 **RESPONSE TO INTERROGATORY NO. 2:**

7 Warner/Chappell incorporates its General Objections.  
8 Warner/Chappell specifically objects to this Interrogatory as vague and ambiguous,  
9 and calling for legal conclusions, in its use of the defined term “New Matter.”  
10 Warner/Chappell further objects to this request on the ground that it contains  
11 express or implied assumptions of fact and/or law with respect to matters at issue in  
12 this case. Warner/Chappell further objects to this Request to the extent it calls for  
13 information protected by the attorney-client privilege and/or work product doctrine.

14 Subject to and without waiving the foregoing objections,  
15 Warner/Chappell responds as follows: The copyright application submitted in  
16 connection with the registration that resulted in the issuance of copyright  
17 registration E51988 states, following the question, “State exactly on what new  
18 matter copyright is claimed (see Sec. 6 of Act of 1909)”: “Arrangement for Unison  
19 Chorus and revised text.”

20 **INTERROGATORY NO. 3:**

21 Describe the New Matter for which Copyright was claimed on the  
22 application for Copyright E51990.

23 **RESPONSE TO INTERROGATORY NO. 3:**


24 Warner/Chappell incorporates its General Objections.  
25 Warner/Chappell specifically objects to this Interrogatory as vague and ambiguous,  
26 and calling for legal conclusions, in its use of the defined term “New Matter.”  
27 Warner/Chappell further objects to this request on the ground that it contains  
28 express or implied assumptions of fact and/or law with respect to matters at issue in

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1 DATED: April 11, 2014

MUNGER, TOLLES & OLSON LLP

2  
3 By:   
KELLY M. KLAUS

4 *Attorneys for Defendants Warner/Chappell*  
5 *Music, Inc. and Summy-Birchard, Inc.*

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VERIFICATION

I, Nathaniel A. Osher, am Vice President, Legal and Business Affairs of Warner/Chappell Music, Inc., and I have been authorized to make this verification on behalf of Warner/Chappell and Summy-Birchard, Inc. (jointly "Warner/Chappell").

I have read the Objections and Responses of Warner/Chappell to Plaintiffs' First Set of Interrogatories (the "Responses") and hereby declare that the Responses are either true to the best of my personal knowledge or were assembled by authorized employees or agents of Warner/Chappell who inform me that the facts as to which I do not have personal knowledge are true to the best of those persons' knowledge and belief.

I declare under the penalty of perjury under the laws of the United States of America that the facts set forth in the document described above are true and correct.

Executed at Los Angeles, California on April 11, 2014.

  
\_\_\_\_\_  
Nathaniel A. Osher

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**PROOF OF SERVICE**

*Good Morning to You Productions Corp., et al. v.  
Warner/Chappel Music, Inc., et al.*  
U.S. District Court Case No. CV 13-04460-GHK (MRWx)

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the City and County of San Francisco, State of California. My business address is 560 Mission Street, Twenty-Seventh Floor, San Francisco, CA 94105-2907.

On April 11, 2014, I served true copies of the following document(s) described as

**DEFENDANTS' OBJECTIONS AND RESPONSES TO  
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

on the interested parties in this action as follows:

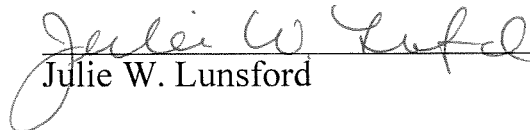
**\*\* SEE ATTACHED SERVICE LIST \*\***

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid, as indicated on the attached service list.

**BY ELECTRONIC MAIL:** As indicated on attached Service List. I caused such document(s) to be sent by electronic mail for instantaneous transmittal via telephone line.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 11, 2014, at San Francisco, California.

  
Julie W. Lunsford

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Betsy C. Manifold  
Francis M. Gregorek  
Rachele R. Rickert  
Marisa C. Livesay  
WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP  
750 B Street, Suite 2770  
San Diego. California 92101

*Via E-Mail & U.S. Mail*

Mark C. Rifkin  
Janine Pollack  
Beth A. Landes  
Giti Baghban  
WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP  
270 Madison Avenue  
New York. New York 10016

*Via E-Mail & U.S. Mail*

Randall S. Newman  
RANDALL S. NEWMAN PC  
37 Wall Street, Penthouse D  
New York. New York 10005

*Via E-Mail & U.S. Mail*

Omel A. Nieves  
Alison C. Gibbs  
Kathlynn E. Smith  
HUNT ORTMANN PALFFY NIEVES  
DARLING & MAH, INC.  
301 North Lake Avenue, 7<sup>th</sup> Floor  
Pasadena. California 91101

*Via E-Mail & U.S. Mail*

William R. Hill  
Andrew S. MacKay  
Daniel J. Schacht  
DONAHUE GALLAGHER WOODS LLP  
1999 Harrison Street, 25<sup>th</sup> Floor  
Oakland. California 94612-3520

*Via E-Mail & U.S. Mail*

Lionel Z. Glancy  
Marc L. Godino  
GLANCY BINKOW & GOLDBERG LLP  
1925 Century Park East, Suite 2100  
Los Angeles. California 90067

*Via E-Mail & U.S. Mail*

# **EXHIBIT 98**





Date: June 12, 2014

LIBRARY  
OF  
CONGRESS

Beth Landes  
Wolf Haldenstein Alder Freeman &  
Herz LLP  
270 Madison Avenue  
New York, NY 10016

Type of remittance received:

check or money order

deposit account--  
description number:

X credit card  
SR1-1415479123

COPYRIGHT  
OFFICE

101 Independence  
Avenue, S.E.

The Records Research and Certification Section has provided the following services and applied fees as shown below.

Additional certificate	\$280.00
Expedited service (rush certifications, searches, or additional certificates)	\$265.00
<b>Total fees charged</b>	<b>\$545.00</b>
<b>Total remittance received</b>	<b>\$545.00</b>

Washington, D.C.  
20559-6000

Sincerely yours,  
*Jarletta walls*  
Supervisory Copyright Specialist  
Records Research and Certification Section  
Office of Public Records and Repositories

.....  
Enclosure: 8  
Additional Certificate E 51988 & 7 others

# **EXHIBIT 99**

COMPENDIUM II

COMPENDIUM  
OF  
COPYRIGHT OFFICE PRACTICES

Under the Copyright Law Which  
Became Fully Effective on  
January 1, 1978, Including  
Title 17 of the United States  
Code and Amendments Thereto

COPYRIGHT OFFICE  
THE LIBRARY OF CONGRESS  
WASHINGTON, D. C. 20559

1984

## CHAPTER 1900

### RECORDS, INDEXES, AND DEPOSITS OF THE COPYRIGHT OFFICE; INSPECTION, COPYING, ADDITIONAL CERTIFICATES, AND OTHER CERTIFICATIONS

- 1901 Records of the Copyright Office; statutory provisions.  
The copyright code states that the Register of Copyrights shall provide and keep records of all deposits, registrations, recordations, and other actions taken by the Copyright Office and shall prepare indexes of all such records. See 17 U.S.C. 705. The statute also provides the fee schedule for Office services in connection with searches of the records, and the certification of copies of records. See 17 U.S.C. 708.
- 1902 Inspection of Copyright Office records and deposits in general. The public may inspect completed records and indexes relating to a processed application for registration--whether the claim was registered or rejected--and may inspect copies, phonorecords, or identifying material deposited in connection with such applications. They may also inspect completed records and indexes related to a recorded document. See 17 U.S.C. 705 and 37 C.F.R. 201.2(b)(1).

Persons who satisfy the criteria set out in the regulations and in 1902.02 of this chapter may have access to pending applications for registration, the deposit material accompanying them, and documents that have been submitted to the Office for recordation which have not yet been recorded. See 37 C.F.R. 201.2(b)(4). Also see section 1902.02 below.

The public may also inspect the Office's authorization file, which contains original copies of requests for copies of deposits for reasons of pending or prospective litigation, sworn statements of persons requesting such copies; claimants' letters authorizing deposits to be copied; and claimants' death certificates supplied by the next of kin who request copies of deposits. The file also contains complete copies of the deposit requested or a brief description of oversized copies, three dimensional works or negatives or a copy of the tape cover and accompanying materials for audio-visual deposits, copies of each certification issued for a deposit, and copies of the photo identifications of persons who have filed requests, statements, authorizations or death certificates. These documents are retained in the authorization file for a period of 10 years from the end of the calendar year in which they were filed. Portions of this file are available for public inspection and copying pursuant to section 1903.

1902 Inspection of Copyright Office records and deposits in general. (cont'd)

1902.01 Completed records. All completed records and indexes relating to a registration or a rejection or to a recorded document, and all articles deposited in connection with completed registrations or rejections and retained under the control of the Copyright Office, are open to public inspection. See 17 U.S.C. 705. Before being permitted to inspect any deposit, however, the requester must (1) show proper photo identification, including a photograph and current address, and (2) complete and sign a "Request for Inspection of Copyright Deposit" (Form C-8), indicating agreement not to copy or deface the material to be inspected. Requesters who need to make limited notes about the deposit copy during the inspection may do so only on the form provided for that purpose by the Certifications and Documents staff. The staff will review all notes before requesters leave the inspection area.

1902.02 Pending applications, documents, and open correspondence files. Access will be afforded to pending applications for registration, the deposit material accompanying them, and pending documents for recordation and to open correspondence files on such materials in the following instances:

1. In the case of applications for registration, the deposits accompanying them and correspondence files, access will be afforded upon the request of the copyright claimant or an authorized representative. In exceptional circumstances, the Register may allow inspection of pending applications and open correspondence files by someone other than the copyright claimant or the claimant's representative upon receipt of a written request which is deemed by the Register to show good cause for such access and establishes that the person making the request is properly and directly concerned. The written request for such access should be addressed to the General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024 or faxed to the General Counsel at 202-707-8366.
2. Access to documents will be afforded upon the request of one of the persons who executed the document or an authorized representative of that person.

1902 Inspection of Copyright Office records and deposits in general. (cont'd)

1902.03 Official correspondence. Official correspondence, including preliminary applications between copyright claimants or their agents and the Copyright Office, that relate directly to a completed registration, a recorded document, a rejected application for registration, or a document for which recordation was refused, may be inspected by the public. NOTE: That portion of official correspondence that is directly related to rejected applications for registration or documents for which recordation was refused and which once represented a closed case is open for public inspection and copying. This is true even though the once-closed case may have been later re-opened by some subsequent action on the part of the copyright claimant, an authorized agent thereof, or by the Copyright Office.

1902.04 Time and place of inspection. All of the materials open for inspection may be inspected during the operating hours of the Copyright Office, 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, in the Certifications and Documents Section of the Information and Reference Division. Some of these materials are not stored on the premises of the Copyright Office and access to them cannot be assured unless arrangements are made in advance with the Certifications and Documents Section. Where authorized, inspection of pending applications and documents will be permitted in the Certification and Documents Section.

1902.05 Records not open to public inspection. The general policy of the Copyright Office is to prohibit access to in-process files and to any areas where they are kept. Access to certain information contained in Copyright Office in-process files may be allowed under conditions specified in section 1902.06(b) below. See 37 C.F.R. 201.2(b)(2). In-process files are those which the Copyright Office prepares for its own internal use in connection with pending applications for registration or for the recordation of documents and which are preliminary to the completion of the public record. These files include the Receipt-In-Process Records, Exception Tracking System Records, accounting files, open unfinished business files, and other files of a similar nature. Certain information contained in Copyright Office in-process files may

1902 Inspection of Copyright Office records and deposits in general. (cont'd)

1902.05 Records not open to public inspection. (cont'd)  
be obtained by anyone upon request. See section 1902.06 below. In no case, however, will access be permitted to any financial or accounting records without the prior approval of the Register or the General Counsel.

1902.06 Requests by the public for information in the in-process files.

1902.06 (a) Requests not requiring payment of a fee.

Limited access to in-process files. Public access to a limited amount of information contained in the Copyright Office's in-process files is permitted on a computer terminal designated for that purpose in the Records Maintenance Unit of the Information and Reference Division. The in-process file may be accessed between 8:30 a.m. and 5:00 p.m., Monday through Friday, excepting legal holidays, upon payment of the applicable fees. The following information is available:

- 1) the title(s) of the work(s), including, in the case of serials, volume number, date of issue, and issue number. NOTE: Only the first title listed in an application or document is included;
- 2) the date(s) of receipt of the application or document;
- 3) the class of an application for registration;
- 4) the number of deposit copies, sets of identifying material, or phonorecords received;
- 5) the name of the remitter; and
- 6) the name of the claimant, if different from the name of the remitter.

1902.06 (b) Requests requiring payment of a fee. Certain information contained in the Copyright Office in-process files may be obtained by anyone upon request and the payment of applicable fees to the Certifications and Documents

1902 Inspection of Copyright Office records and deposits in general. (cont'd)

1902.06 Requests by the public for information in the in-process files. (cont'd)

1902.06 (b) Requests requiring payment of a fee. (cont'd)

Section, Information and Reference Division.  
The following information will be supplied in response to each such request:

- 1) the date(s) of receipt of: (i) the application(s) for registration that may have been submitted and is (are) being processed; (ii) the document(s) that may have been submitted for recordation and is (are) being processed; and (iii) the copy (copies) or phonorecord(s) that may have been deposited;
- 2) the title(s) of the work(s), including (if a serial) the date of issue, volume number, and issue number;
- 3) the name of the remitter;
- 4) the description or classification, if an application for registration;
- 5) the number of copies or phonorecords deposited; and
- 6) the name of the claimant, if different from the name of the remitter.
- 7) the registration status of the claim.
- 8) the registration number, if any.

1902.07 Administrative staff manuals. Administrative staff manuals, referred to as "Compendium of Office Practices I" and "Compendium of Office Practices II," are prepared for the general guidance of the Copyright Office staff in making registration and recording documents, and for the public who avails itself of the registration and recordation systems. These manuals are available for public inspection in the Certifications and Documents Section from 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. See 37 C.F.R. 201.2(b)(7). See also section 1903.06.



1902 Inspection of Copyright Office records and deposits in general. (cont'd)

1902.08 Materials not open for public inspection. As a general rule and subject to requirements of the Freedom of Information Act and the Privacy Act, the Office will not permit public inspection of notes, internal memoranda, information relating to facts concerning personal privacy or financial information, trade secrets, or internal matters of a relatively trivial nature. Similarly, material relating to internal matters of personnel and procedures, Office administration, security matters or internal considerations of policy, including the work product of an attorney, are not open to public inspection.

1903 Copying Copyright Office records, indexes, correspondence, and deposits in general. Copies may be made of any public records or indexes of the Copyright Office, including the Office's file of litigation statements and other documents, known as (the "authorization file"). See section 1904.01(2); see 17 U.S.C. 706(a). Copies of applications may be made by the requester or may be furnished by the Copyright Office upon payment of the duplication fees. Copies may be made of official correspondence, including preliminary applications between copyright claimants or their agents and the Office, and directly relating to a completed registration, a recorded document, a rejected application for registration, or a document for which recordation was refused. Requests for copies of correspondence should include the information specified in the Copyright Office regulations. See 37 C.F.R. 201.2(c) and (d). See also section 1903.02 below for requirements. Copies or reproductions of materials deposited for registration and retained under the control of the Copyright Office will be furnished under the conditions specified below. The copyright owner or anyone providing a litigation statement may use a camera or other small copying device to copy a deposit if the copy is made in the Certifications and Documents Section under the supervision of Copyright Office personnel and if no electrical power, special lights, or other equipment is required. However, only copies made by the Copyright Office will be certified by the Office. See 17 U.S.C. 706(b) and 37 C.F.R. 201.2(d). See also sections 1904 and 1906 below.

1903.01 Making copies. If the requested copies can be made routinely on the photocopying equipment available in the Certifications and Documents Section, the copies will be prepared by Copyright Office staff. If the amount of material to be

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1903 Copying Copyright Office records, indexes, correspondence, and deposits in general. (cont'd)

1903.01 Making copies. (cont'd)  
reproduced or its complexity makes duplication by the Certifications and Documents staff impracticable, the copies will be made by the Photoduplication Service of the Library of Congress or the Motion Picture, Broadcasting and Recorded Sound Division. The current duplication fees will be charged. See section 1911 below.

1903.02 Requests for copies other than additional certificates. Requests for copies of records, indexes, material from the authorization file, correspondence, and deposits should be made to the Certifications and Documents Section. Fees are charged for making copies, for any searches required to find the material, and for certification. Failure to provide a registration number and year date, or volume and document number for a recorded document, may result in a search charge to find the material. To minimize search fees and expedite copying, the request for copies should include the following information when available:

- 1) A clear identification of the type of records or deposits to be copied (for example copies of deposits, correspondence, catalog entries, etc.).
- 2) A specification of whether the copies are to be certified or uncertified.
- 3) A clear identification of the specific records to be copied including, where possible, the type of work involved (for example a novel, song lyrics, technical drawing), the registration number, if any, the year date or approximate year date of registration or submission to the Office, the complete title of the work, the author(s) including any pseudonym, the claimant(s), and if the requested copy is of an assignment, license, contract, or other recorded document, the volume and page number of the recorded document.
- 4) The telephone number and address of the requester.

See 37 C.F.R. 201.2(d).

1903 Copying of Copyright Office records, indexes, correspondence, and deposits in general. (cont'd)

1903.03 Copies of records. The Copyright Office will furnish a copy of any official record upon request and payment of the duplication fee. Official records include completed records of registrations, rejections, or recorded documents; indexes; litigation statements; and catalog entries relating to a registration or a recorded document.

1903.04 Materials which may generally be copied. The Copyright Office will furnish a copy of official correspondence, including preliminary applications, between copyright and mask work claimants or their agents and the Office, that directly relate to a completed registration (however, see section 1903 above), a recorded document, a rejected application for registration, or a document for which recordation was refused. See 37 C.F.R. 201.2(c)(1).

1903.05 Materials which may generally not be copied. The Copyright Office will not make copies available of correspondence, application forms, and any accompanying material (including deposit material) forming part of a pending application. As a general rule and subject to requirements of the Freedom of Information Act and the Privacy Act, the Office will not furnish copies of notes, internal memoranda, information relating to facts concerning personal privacy or financial information, trade secret or internal matters of a relatively trivial nature. Similarly, no copies will be furnished of material relating to internal matters of personnel and procedures, Office administration, security matters, or internal consideration of policy and decisional matters, including the work product of office attorneys.

1903.06 Administrative staff manuals. Copies of Compendium I (1973) are available for purchase from the National Technical Information Service and copies of Compendium II (1984) may be purchased from the Government Printing Office. As Compendium II is updated, changes will be available on-line at [www.loc.gov/copyright](http://www.loc.gov/copyright). In addition, requests for photocopies of the administrative staff manuals referred to as "Compendium of Copyright Office Practices I" and "Compendium of Copyright Office Practices II" may be submitted to the Certifications and Documents Section of the Copyright Office during regular

1903 Copying of Copyright Office records, indexes, correspondence, and deposits in general. (cont'd)

1903.06 Administrative staff manuals. (cont'd)  
work hours, 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. A fee will be charged for this service.

1904 Copies of deposits. Requests for copies or phonorecords of deposited articles retained under the continuous control of the Copyright Office should be made to the Certifications and Documents Section. Requests for copies of deposits that have been transferred to the Library of Congress should be made to the Photoduplication Service or to the custodial division of the Library that has the copy in its collection.

1904.01 Authorization to make copies of deposits.  
Reproductions of the copies, phonorecords, or identifying material deposited in connection with a copyright or mask work registration or a refusal to register a published or unpublished work, and held in the custody of the Copyright Office will be provided only when one of the following three conditions have been met:

- 1) The Copyright Office receives written authorization from the copyright or mask work claimant of record or his or her designated agent, or from the owner of any of the exclusive rights in the copyright or mask work whose ownership is demonstrated by written documentation of the transfer of ownership. If the requester appears in person and alleges to be entitled to a reproduction of the deposit material on one of the foregoing bases, identification consisting of a photo I.D. and a current address is required along with the above-mentioned written authorization. A copy of the photo identification will be retained in the authorization file. If the request is made by telephone, the Office will ask for a written request.
- 2) The Copyright Office receives a completed Copyright Office litigation statement form from an attorney on behalf of either the plaintiff or defendant in connection with litigation, actual or prospective, involving the copyrighted work or mask work. The following information must be included on the completed form: (i) the names of all the

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1904 Copies of deposits. (cont'd)

1904.01 Authorization to make copies of deposits.  
(cont'd)

parties involved and the nature of the controversy; and (ii) the name of the court in which the actual case is pending or, in the case of a prospective proceeding, a full statement of the facts of the controversy in which the work is involved; and (iii) a sworn statement from the requester that the reproduction is to be used in connection with the specified litigation. In addition, the Office will ask for photo identification from any person filing a litigation statement, a copy of that identification will be made part of the file. The name of any authorized person receiving deposit copies will be retained in the authorization file.

- 3) The Copyright Office receives a court order for a reproduction of the deposit copies, phonorecords, or identifying material of a work which is the subject of litigation. The order must be issued by a court having jurisdiction over the case in which the reproduction is to be submitted as evidence.

1904.02 Nature of copies or phonorecords. Upon authorization and receipt of the duplication fee, the Copyright Office will supply a photocopy of copies, phonorecords, or identifying material deposited as part of a copyright or mask work registration. When a request is made for a reproduction of a work, such as a sound recording embodied on an audiotape or cassette, or a work embodied on a floppy disk, a CD-ROM or other format in which either a sound recording or the underlying musical, dramatic, or literary work is embodied, the Copyright Office will provide a reproduction when possible. The Office reserves the right to substitute a monaural reproduction for a stereo, quadraphonic, or any other fixation accepted for deposit. The Office will provide the title and the registration number of the work along with the date of any registration that has been made. In response to a specific request, the Office will provide reproductions of any printed or other visually perceptible material published with a phonorecord. For other deposit materials, the Office will supply uncertified copies that depict or reproduce the deposit with varying degrees of fidelity depending on the needs of the requester. For example: a photocopy of a

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1904        Copies of deposits.    (cont'd)

1904.02    Nature of copies or phonorecords.    (cont'd)  
              photograph can be supplied if such a reproduction  
              is suited to the requester's needs. For the  
              nature of certified copies, see section 1909  
              below.

1905        Certificates of registration. After the Register of  
              Copyrights determines that the material deposited for  
              registration constitutes copyrightable or mask work  
              subject matter, and that the other legal and formal  
              requirements of the law have been met, the Register  
              will register the claim and issue to the applicant a  
              certificate of registration under the seal of the  
              Copyright Office. The certificate will contain the  
              information given in the application, together with the  
              number and effective date of the registration. See 17  
              U.S.C. sections 410(a), 908(e). A certificate of  
              renewal registration will be issued for works first  
              published or registered before January 1, 1978, upon  
              compliance with the renewal provisions of the copyright  
              code. See 17 U.S.C. 304(a). Certificates returned to  
              the Copyright Office as undeliverable will be mailed a  
              second time unless they were undeliverable because the  
              addressee moved and left no forwarding address.  
              Certificates returned a second time are destroyed after  
              updating the Office's records to show the status of the  
              mailing was "undeliverable."

1905.01    Nature of the certificate. The certificate of  
              registration or certificate of renewal is a  
              digital image of the application made on a form  
              containing the signature of the Register of  
              Copyrights and the seal of the Copyright Office.

1906        Additional certificates of registration. Additional  
              certificates of an original or renewal registration  
              will be issued to anyone upon request and payment of  
              the fee. See 17 U.S.C. 706(a). Additional  
              certificates are certified copies of the record of  
              registration and have the same legal effect as the  
              original certificate. Certified copies of additional  
              certificates may also be requested from the  
              Certifications and Documents Section upon payment of  
              the appropriate fee. The manner in which additional  
              certificates are prepared may vary, depending upon the  
              date of the original registration. Additional  
              certificates are prepared by the Certifications and  
              Documents Section of the Information and Reference  
              Division. The Copyright Office will not issue  
              additional certificates of cancelled registrations. It  
              will, however, certify a copy of the cancelled  
              registration in the same manner as it certifies any

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1906 Additional certificates of registration. (cont'd)  
other public record. See sections 1903.03(a) above and  
1909.06 below. The Office will certify copies of  
applications refused registration as part of the  
correspondence file.

1906.01 Registration made on or after January 1, 1978.  
Additional certificates for registrations made on  
or after January 1, 1978, are duplicate  
facsimiles. These may be made from original  
applications, from a microfilm copy or from  
another imaged copy. The additional certificate  
contains the signature of the current Register of  
Copyrights together with the seal of the Copyright  
Office. Each such additional certificate is  
stamped to identify it as an additional  
certificate.

1906.02 Registration made on or before December 31, 1977.  
Additional certificates for registrations made on  
or before December 31, 1977, consist of a  
photocopy of the application that was used to make  
the original registration with a pre-printed  
certification statement attached. The  
registration number, date of certification, and  
the signature of the current Register of  
Copyrights are added to the certification  
statement form, which is issued under the seal of  
the Copyright Office. In cases where a photocopy  
of the application cannot be used to produce an  
additional certificate of registration, an  
additional certificate may be made by typing the  
name of the claimant, title, date of publication,  
date of receipt of copy(s), and the registration  
number on a pre-printed certification form. The  
name of the Register of Copyrights is then added  
to the form together with the seal of the  
Copyright Office.

1906.03 Prints or labels registered in the Patent Office  
before July 1, 1940. The Patent Office retained  
carbon copies of each certificate issued by that  
Office. Copies of the Patent Office records were  
transferred to the Copyright Office on July 1,  
1940. An additional certificate of copyright  
registration for a print or label registered in  
the Patent Office before July 1, 1940, consists of  
a photocopy of the carbon copy of the original  
certificate of registration together with the  
Copyright Office's certification of the photocopy.

1907 Certificate of recordation. Upon receipt of any  
transfer of ownership or other document pertaining to a  
copyright or mask work, which meets the requirements of

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- 1907        Certificate of recordation. (cont'd)  
the law (see 17 U.S.C. 205(a)), the Copyright Office  
will record the document and return it with a  
certificate of recordation. See 17 U.S.C. 205(b).
- 1907.01    Nature of the certificate of recordation. The  
document submitted for recordation is returned to  
the sender with an attached certificate of  
recordation after a preservation copy has been  
made for Copyright Office records. The  
certificate consists of a form containing the  
signature of the Register of Copyrights, the date  
of recordation, and the volume and document number  
of the recorded document. The certificate also  
bears the seal of the Copyright Office.
- 1908        Certified copy of a recorded document. A certification  
of recordation may be issued to anyone upon request and  
payment of the fee(s). See 17 U.S.C. 706(a). The  
certification consists of a copy of the document, or  
relevant portions thereof, and an attached  
certification form.
- 1908.01    Microfilm recordation. Some documents originally  
recorded in the Copyright Office on microfilm  
(generally before 1982) also include a microfilm  
copy of the original certificate of recordation.  
In such cases, the original certificate of  
recordation is reproduced along with the document  
and is included in the certified copy.
- 1908.02    Preparation of copies of document. Copies of most  
documents are prepared by the Certifications and  
Documents Section of the Information and Reference  
Division. A fee for making the copy will be  
charged. See section 1911 below. Some copies of  
documents must be prepared by the Photoduplication  
Service, which charges its current fees for the  
service.
- 1908.03    Certification of copies of recorded documents.  
Copies of recorded documents are certified by the  
Certifications and Documents Section of the  
Information and Reference Division. Certified  
copies of recorded documents are furnished by  
providing a photocopy of the document printed on  
paper, including a photocopy of the original  
certificate of recordation, if it is on record.  
See sections 1908.01 and 1908.02 above. The copy  
of the document is attached to a certification  
form on which is included the volume and document  
number where the document is recorded, the date of  
certification, and the date of recordation. The  
signature of the Register of Copyrights and the

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- 1908        Certified copy of a recorded document.    (cont'd)
- 1908.03    Certification of copies of recorded documents.  
(cont'd)  
seal of the Copyright Office are included on the certificate. A fee for making the copy will be charged at the rate established by the Photoduplication Service.
- 1909        Certification in general. Certification is an official written representation of the Copyright Office attesting to one or more facts and bearing the seal of that Office and issued under the name and title of the Register of Copyrights. The Office will certify only an authorized work product produced by the Office or official Office records.
- 1909.01    Register's name on certification. The name of the current Register of Copyrights will be used regardless of his or her temporary absence from the Office for reasons such as travel, illness, etc. Only during a change in terms, when an Acting Register has been appointed by the Librarian of Congress, will the name of an Acting Register be used.
- 1909.02    Authentication of certified documents issued by the Copyright Office. The Copyright Office has adopted an official seal to authenticate its certified documents. See 17 U.S.C. 701(b). The appearance of the seal has varied during different periods of time; however, the certification remains valid if it was correctly sealed at the time it was made. Use of the Library of Congress seal or any other non-official Copyright Office seal does not result in a valid certification.
- 1909.03    Omission of Register's name or Copyright Office seal. A document lacking either the Register's name or the Copyright Office seal is not validly certified.
- 1909.04    Appeal from denial of certification. Denial of a request for certification may be appealed in the following order: (1) Head, Certifications and Documents Section, (2) Chief of the Information and Reference Division, and (3) Register of Copyrights, who may delegate the responsibility to the General Counsel or the Assistant General Counsel.
- 1909.05    Undeliverable certifications. Certifications, including additional certificates of registration, returned to the Copyright Office as undeliverable,

[1998]

1909        Certification in general.    (cont'd)

1909.05    Undeliverable certifications.    (cont'd)  
are generally remailed one time. If returned again, the certification is destroyed after the CIS image status has been updated to show that the mailing was "undeliverable," in accordance with retention policies established by the Register of Copyrights for those files.

1909.06    Who may authenticate documents. Documents may be authenticated by the person or persons to whom that authority has been delegated by the Register of Copyrights. Documents will generally be authenticated by the Head of the Certifications and Documents Section or in his/her absence by the Assistant Chief or Chief of the Information and Reference Division. For original certificates of registration or certificates of recordation of documents see sections 1905.01 and 1907.01 above.

1909.07    Certifications. Certifications are made in four different formats depending on the nature of the material being certified.

- 1)    Certification of original certificates of registration, rejected applications, or recordation of documents. For the form of certification of original certificates of registration see section 1905.01 above. For the form of certification for original certificates of recordation of documents see section 1907.01 above.
- 2)    Certification of statements from the public record. A standard certification attests to one or more facts from the public record about a document or deposit. It bears the name and title of the Register of Copyrights and is signed by the head of the Office's Certification and Documents Section, or an authorized designee.
- 3)    Certification of a deposit in a format different from the original. A special certification is required when the reproduction is not exact, *e.g.* a cassette tape is made from a phonorecord, a photograph is made of a three-dimensional object, a copy is reduced in size from the original deposit, or a copy is made of only part of a larger work (preface only of a book or five pages of a twenty-page document). Such a certificate is issued under the name and title of the

1909 Certification in general. (cont'd)

1909.07 Certifications. (cont'd)

Register of Copyrights, and is signed by the head of the Certification and Documents Section, or an authorized designee.

- 4) Certification of other materials. Specifically drawn certifications of other materials, including apostilles, exemplifications, and declarations will be issued by the Office upon payment of a fee. An apostille is an attachment to a certification form required by some foreign courts pursuant to the Hague Convention of October 5, 1961. An apostille certifies, under the seal and signature of the current Register of Copyrights, that an attached public document has been signed by the head of the Copyright Office's Certifications and Documents Section.

1909.08 Method of requesting certification.

Certifications, including certification of additional certificates of registration, are made by the Certifications and Documents Section of the Information and Reference Division, and all requests for certification should be addressed to that Section. The request should include the following:

- 1) Specific request for certification. The request should clearly indicate whether the copies are to be certified. Where the request is unclear whether the copies are to be certified or not, the Copyright Office will ask for further instructions.
- 2) Full identification of material to be certified. The request should fully identify the material to be certified. See section 1903.02 above. Failure to identify adequately the material may necessitate an inquiry by the Office for further information or may result in a search fee to locate the material.

1909.09 Preparation and handling of certifications in general. All Copyright Office certifications must be prepared under the direction and control of the Copyright Office. See section 1903 above. When preparing copies for Office certification, the Photoduplication Service or Motion Picture, Broadcasting and Recorded Sound Division acts at

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1909            Certification in general.    (cont'd)

1909.09        Preparation and handling of certifications in general.    (cont'd)

the direction of the Copyright Office. When material is submitted to those offices for copying, the Copyright Office will observe the following procedures:

- 1)    Furnish the materials to be copied, identify the exact material to be copied, and specify the copying process to be used; and,
- 2)    Indicate that the material is being prepared for certification and that it should be returned to the Copyright Office for that purpose.

1909.10        Certified copies of official records. Upon payment of the certification and duplication fees, certified copies of official records of the Copyright Office may be furnished. Examples of official records include: entries in the registration record books, numbered applications, indexes to registration and recorded transfers and other documents pertaining to a copyright or mask work. The certified copies furnished by the Office will be accompanied by the appropriate certification form. See section 1909.07 above.

1909.11        Certified copies of correspondence. Upon payment of the certification and duplication fees, the Copyright Office will certify copies of any correspondence which is permitted to be copied. See section 1903.04 above. Every certification covering correspondence must be specially drawn. If the various pieces of correspondence all relate to the same registration, or group of related registrations, they may all be included in one certification, but each item must be separately identified in the certification.

1909.12        Certified copies of search reports. Search reports prepared by the Copyright Office will be certified on letterhead stationery available for that purpose. The search report is certified under the seal of the Register of Copyrights and is usually signed also by the Head of the Reference and Bibliography Section or in his or her absence it may be signed by the Assistant Chief or Chief of the Information and Reference Division.

1909            Certification in general.    (cont'd)

1909.13        Certification of copies of information circulars, former circulars, and blank application forms.  
The Copyright Office will certify copies of information circulars and blank application forms currently or formerly issued as official publications of the Office. Certifications are made by the Certifications and Documents Section, under the seal of the Register of Copyrights and signed by the Head of the Certifications and Documents Section or in his or her absence by the Assistant Chief or Chief of the Information and Reference Division.

1909.14        Certified copies of material deposited for copyright or mask work registration. When the Copyright Office has retained continuous control of deposits (see section 1904 above) and it is authorized to make copies (see section 1904.01 above), certified copies or phonorecords may be furnished of materials deposited for copyright or mask work registration, (whether registration is made or refused), upon receipt of the certification and duplication fees. The Office will not certify copies found in the collections of the Library of Congress. Only the Library of Congress can make such certifications.

NOTE: The practice of the Copyright Office regarding the retention under its control of materials deposited for copyright has varied at different times. Therefore, not all materials deposited for copyright registration are available for copying or certification.

1909.15        Jurisdictional requirement for certifying material deposited for copyright. The Copyright Office will certify a copy of material deposited in connection with a claim to copyright or a mask work only if such material has remained continuously under the control of the Copyright Office. Copies of such materials made part of the Library of Congress' collections will only be certified by the Photoduplication Service or the Motion Picture, Broadcast, and Recorded Sound Division. When such deposit materials are loaned for exhibit purposes to the Library of Congress Exhibits Office, the Copyright Office asks that these items be returned, and the Office insists that they not be altered in any way and that they not be available for public handling. In these cases the material is considered to have remained under the control of the Office and therefore can

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1909 Certification in general. (cont'd)

- 1909.15 Jurisdictional requirement for certifying material deposited for copyright. (cont'd)  
be certified while it is on exhibit and after it is returned to the Office. The Office will not certify any other material returned to it from the Library of Congress.

The Copyright Office will not certify any material added to a deposit after registration has been completed, except where the additional material is added as an addendum to the original registration.

The Copyright Office will certify only those copies which have been made by it or at its request. It will not certify copies of deposit material made by copyright or mask work owners or litigants, even if those copies are made under the supervision of the Office. See section 1903 above.

- 1909.16 Form and content of certified copies of material deposited for copyright or mask work registration (other than phonorecords and Patent Office deposits). The Copyright Office will provide the best possible reproduction(s) of deposited material, depending on the nature of the material and the need of the requester. Photocopies are provided for most flat material. As a general rule, the Office certifies a copy of the entire deposit retained by the Office. The material certified must include a copy of the page or surface bearing the registration number and date of deposit, if any.

- 1909.16 (a) Copies of part or portions of a work. When a request is received to copy and certify only a part or portion of a work, a special certification clearly identifying the material certified must be drawn and typed. In such cases, the material copied and certified must include the page or surface bearing the registration number and date of deposit, and also the page or surface bearing the notice of copyright, if any.

- 1909.16 (b) Copies of photographs and identifying reproductions deposited for certain three-dimensional works. To certify copies of photographs or reproductions deposited in lieu of three-dimensional or over-size copies, a certification must be prepared which identifies the "certified copies" as