EXTENSION OF COMMENT PERIOD

37 CFR PART 202

REGISTRATION OF CLAIMS TO COPYRIGHT IN THE GRAPHIC ELEMENTS INVOLVED IN THE DESIGN OF BOOKS AND OTHER PRINTED PUBLICATIONS; ADVANCE NOTICE OF PROPOSED RULEMAKING: EXTENSION OF COMMENT PERIOD

The following excerpt is taken from Volume 44, No. 213 of the Federal Register for Thursday, November 1, 1979 (pp. 62913-62914).
preparing a supplemental statement for the record. We have therefore decided that additional comment time is necessary to permit a full and thorough consideration of the issues implicit in this proceeding, and we will keep the record open for comments and supplemental statements until January 2, 1980.

Through this proceeding we are interested in exploring those elements going into the production of a book or other printed publication that, taken together, could be considered a copyrightable "work of applied art." We are not speaking here of the text as such or the illustrations as such—including ornamental illustrations and embellishments such as chapter headings and illuminated initial letters. We are inquiring about less obvious design elements such as the arrangement or juxtaposition of text matter, pictorial matter, or combinations of text and pictorial matter on a page or a group of pages, and typography in a narrower sense, including selections of typefaces and sizes, margins, spacing, color, and a range of other choices having design consequences. The problem is sometimes loosely referred to as "book design," but we are also interested in the graphic or design elements involved in all types of printed publications—hardcover books, paperbacks, catalogs, newspapers, magazines, pamphlets, leaflets, folders, booklets, card sets, broadsides, and advertisements, among a host of others. We are interested in finding out what goes into elements variously known as "layout," "format," "typography," "composition," "arrangement," "makeup," and "color schemes," and in exploring whether these elements should be regarded as uncopyrightable ideas or concepts, or whether, alone or in combination, they can be considered copyrightable "works of authorship."

This proceeding is not intended to reopen issues concerning the copyrightability of the designs of individual type faces or type fonts. However, we are interested in exploring whether choices of type faces or combinations of them, or choices of colors or combinations of them, can ever constitute copyrightable elements. [17 U.S.C. 408, 702].

Barbara Ringer,
Register of Copyrights.

Approved:
Daniel J. Boorstin,
The Librarian of Congress.

[FR Doc. 79-38837 Filed 12-31-79; 8:45 am]
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