**United States Copyright Office**

Library of Congress · 101 Independence Avenue SE · Washington DC 20559-6000 · www.copyright.gov

August 12, 2019

Ryan Abbott
Frank Whittle Building 02 AB 05
Guildford,  GU27XH
United Kingdom

Correspondence ID:   1-3NPRZ2Y

RE:     A Recent Entrance to Paradise

Dear Ryan Abbott:

We cannot register this work because it lacks the human authorship necessary to support a copyright claim.  According to your application this work was "created autonomously by machine."

Copyright protects original works of human authorship that are fixed in some physical form.  See 17 U.S.C. '102(a).  As used in the copyright context, the term "original" means that the work was independently created by the author (as opposed to copied from other works), and that it possesses at least a minimal degree of creativity.  See *Feist Publications v. Rural Telephone Service Co.*, 499 U.S. 340 (1991).

The U.S. Copyright Office will register an original work of authorship, provided that the work was created by a human being. The copyright law only protects "the fruits of intellectual labor" that "are founded in the creative powers of the mind." *Trade-Mark Cases*, 100 U.S. 82, 94 (1879). Because copyright law is limited to "original intellectual conceptions of the author," the Office will refuse to register a **claim** if it determines that a human being did not create the work. *Burrow-Giles Lithographic Co. v. Sarony*, 111 U.S. 53, 58 (1884).

Neither the aesthetic appeal or commercial value of a work, nor the amount of time and effort expended to create a work are factors that are considered under the copyright law.  See *Bleistein v. Donaldson*, 188 U.S. 239 (1903); *Feist Publications v. Rural Telephone Service Co.*, 499 U.S. 340 (1991).  The question is whether there is sufficient creative authorship within the meaning of the copyright statute and settled case law.

After careful consideration, we have determined that this particular work will not support a claim to copyright under the standards described above.  Therefore we cannot issue the registration which you requested.  The copyright law requires that we retain the deposit of this work.  See 17 U.S.C. '704(a). The nonrefundable filing fee has been applied to administrative costs.

Ryan Abbott                                      - 2 -                                      1-3NPRZ2Y

This letter is for your information only; no response is necessary.

Sincerely,

Examiner Angello
Visual Arts Division
Office of Registration Policy & Practice
U.S. Copyright Office

Enclosures:
  Reply Sheet

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# *1-3NPRZ2Y*

# Return this sheet <u>if</u> you request reconsideration.

## How to request reconsideration:

- Send your request in writing.  **Please note that your request must be postmarked (via the U.S. Postal Service) or dispatched (via commercial carrier, courier, or messenger) no later than three months after a refusal is issued.**
- Explain why the claim should be registered or why it was improperly refused.
- Enclose the required fee – see below.
- Address your request to:
    **RECONSIDERATION**
    **Copyright RAC Division**
    **P.O. Box 71380**
    **Washington, DC 20024-1380**

Note:   Include the Correspondence ID Number (see above) on the first page.  Indicate either "First Reconsideration" or "Second Reconsideration" as appropriate on the subject line.

**Notification of decision**:  The Copyright Office will send a written notification of its decision, including an explanation of its reasoning.

**First Request for Reconsideration:** The Registration Program Office considers the first request. If it upholds the refusal, you may submit a second request.

**Second Request for Reconsideration:** The Copyright Office Board of Review considers the second request. The Board consists of the Register of Copyrights and the General Counsel (or their respective designees), and a third member appointed by the Register. The Board's decision constitutes final agency action.

 **FEES:**

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|---|---|
| **First Request** | $250 per claim (i.e. the work(s) contained on one application) |
| **Second Request** | $500 per claim (i.e. the work(s) contained on one application) |