



United States Copyright Office

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

March 30, 2020

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

Correspondence ID: 1-3ZPC6C3
Original Corresp. ID: 1-3NPRZ2Y

Re: *A Recent Entrance to Paradise*

Dear Mr. Abbott:

This correspondence responds to your September 8, 2019 letter requesting reconsideration of the U.S. Copyright Office's (the "Office") refusal to register a copyright claim in the above-titled work. You made this request on behalf of the copyright claimant, Stephen Thaler.

We reviewed *A Recent Entrance to Paradise* (the "Work") in light of the points raised in your letter. We affirm our decision to refuse registration for the Work because it lacks the human authorship necessary to be eligible for copyright protection.

Discussion

The U.S. Copyright Office will register an original work of authorship only if the work was created by a human being. This includes any human being that prepares a work on behalf of an organizational author as a work made for hire.

As noted in our original refusal letter, 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). See also 17 U.S.C. §102(a) & *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* § 306 (3d ed. 2017).

The Office will not register works produced by a machine or mere mechanical process that operates randomly or automatically without sufficient creative input or intervention from a human author. *Compendium (Third)* § 313.2. As you state in your letter, the Work here was "autonomously generated by an AI." *Letter* at 1. You have provided no evidence on sufficient creative input or intervention by a human author in the Work. We conclude, therefore, that the Work lacks the human authorship necessary to sustain a claim in copyright. The various legal and policy arguments put forth in your request for reconsideration are insufficient to convince the Office to abandon its longstanding interpretation of the

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Copyright Act, Supreme Court, and lower court judicial precedent that a work meets the legal and formal requirements of copyright protection only if it is created by a human author.

Conclusion

Because it was not created by a human author, we again refuse copyright registration for *A Recent Entrance to Paradise*.

Sincerely,



Frank Muller

Attorney-Advisor for Registration Policy & Practice
Office of Registration Policy & Practice | U.S. Copyright Office
101 Independence Ave, SE, Washington, DC 20559-6222

Enclosures:
Reply Sheet



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Return this sheet if 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:

First Request \$350 per claim (i.e. the work(s) contained on one application)

Second Request \$700 per claim (i.e. the work(s) contained on one application)