

# Vessel Designs

1301	What This Chapter Covers.....	4
1302	Vessel Design Protection Distinguished from Copyright Protection .....	4
1303	Definitions .....	4
1303.1	Deck.....	4
1303.2	Hull .....	4
1303.3	Make Public.....	5
1303.4	Mold .....	5
1303.5	Original.....	5
1303.6	Plug.....	5
1303.7	Useful Article .....	5
1303.8	Vessel.....	5
1304	Protectable Vessel Designs .....	5
1304.1	Originality Requirement .....	6
1304.2	Fixation Requirement .....	6
1304.3	Revision, Adaptation, or Rearrangement .....	6
1304.4	Registration Requirement and Making Public Requirement.....	6
1305	Ineligible Designs.....	6
1305.1	No Retroactive Protection.....	6
1305.2	Unoriginal Designs .....	6
1305.3	Ineligible Vehicles and Other Useful Articles .....	7
1305.4	Designs Made Public More Than Two Years Prior to Application for Registration .....	7
1305.5	Designs Protected by Design Patents.....	7
1306	Term of Protection.....	8
1306.1	Term of Protection for Designs Registered with the U.S. Copyright Office .....	8
1306.2	Term of Protection for Designs Registered in a Foreign Territory: Priority Claims.....	8
1307	Exclusive Rights of Owner.....	8
1308	Ownership in Vessel Designs .....	8
1308.1	Allowable Transfers, Grants, Conveyances, and Mortgages.....	9
1308.2	Discretionary Recordation of Transfers .....	9

1309	Vessel Design Notice.....	9
1309.1	Notice Is Mandatory.....	9
1309.2	Required Notice Elements.....	9
1309.3	Name or Distinctive Identification of Owner .....	10
1309.4	Placement of Notice .....	10
1310	Importance of Registration.....	11
1310.1	Registration Required for Ten-Year Protection.....	11
1310.2	Benefits of Registration.....	11
1311	Registration Procedures .....	11
1311.1	Required Elements for Registration.....	11
1311.2	Who May File the Application?.....	12
1311.3	Form D-VH.....	12
1311.4	Filing Fees.....	13
1311.5	Deposit Material.....	13
1312	Completing the Application .....	13
1312.1	Space 1: Title.....	13
1312.2	Space 2: Design.....	14
1312.2(A)	Space 2A: Type or Style .....	14
1312.2(B)	Space 2B: Salient Features.....	14
1312.2(C)	Space 2C: Prior Designs.....	15
1312.3	Space 3: Identify the Designer .....	15
1312.4	Space 4: Identify the Owner if Different from the Designer.....	15
1312.5	Space 5: Priority Claims .....	15
1312.6	Space 6: Date Made Public.....	16
1312.7	Space 7: Contact Person .....	16
1312.8	Space 8: Deposit Account Information .....	17
1312.9	Space 9: Certification and Sworn Statements .....	17
1312.9(A)	Space 9: Location of Design Notice .....	17
1312.9(B)	Space 9: Certificate Mailing Address .....	17
1313	Deposit Material.....	17
1313.1	Views and Use of Perspective .....	18

1313.2	Photographic Deposit Requirements.....	18
1313.3	Drawing Deposit Requirements.....	18
1313.4	Use of Broken Lines in Drawings.....	19
1314	Submitting the Application, Filing Fee, and Deposit Material .....	19
1315	Publication of Registration Certificate and Effective Date of Registration.....	19
1316	Reconsideration of Refusal to Register .....	20
1317	Certificate of Correction for a Completed Registration.....	20

# Vessel Designs

## 1301 What This Chapter Covers

This Chapter provides information on the U.S. Copyright Office's practices and procedures for examining and registering [claims to vessel designs](#) and for recording documents related to them. Vessel designs are protected pursuant to the Vessel Hull Design Protection Act of 1998 ("VHDPA"), as amended by the Vessel Hull Design Protection Amendments of 2008, and codified as [Chapter 13](#) of the Copyright Act.

## 1302 Vessel Design Protection Distinguished from Copyright Protection

[Vessel design](#) protection is not a form of copyright protection. Congress enacted the VHDPA to provide a new, separate form of special protection for vessel designs in response to the needs of the boat industry, not as an amendment to the copyright law. The legal requirements for vessel design protection differ from those for copyright protection in terms of eligibility for protection, ownership rights, registration procedures, term of protection, and remedies for rights violations.

Vessel designs — the overall shape and form of a water craft's deck or hull — are [useful articles](#) and, as such, cannot be protected by copyright law. See Section [1303.7](#).

Ornamental two- and three-dimensional decorations on or in the surfaces of the deck or hull might be [copyrightable](#), but the deck and hull themselves are not.

[Chapter 13](#) of Title 17 does not provide, extend, or limit copyright protection for drawings, models, or statuaries of vessels. For more information on protection for ornamental designs, drawings, and other visual arts works, see [Chapter 900](#). For a general discussion of useful articles, see [Chapter 900](#), Section 924.

## 1303 Definitions

### 1303.1 Deck

A "deck" is "the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments." [17 U.S.C. § 1301\(b\)\(7\)](#).

### 1303.2 Hull

A "hull" is "the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments." [17 U.S.C. § 1301\(b\)\(4\)](#).

**1303.3 Make Public**

A [vessel design](#) is made public “when an existing useful article embodying the design is anywhere publicly exhibited, publicly distributed, or offered for sale or sold to the public by the owner of the design or with the owner’s consent.” [17 U.S.C. § 1310\(b\)](#).

**1303.4 Mold**

A “mold” is “a matrix or form in which a substance for material is used, regardless of whether the matrix or form has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.” [17 U.S.C. § 1301\(b\)\(6\)](#).

**1303.5 Original**

A [vessel design](#) is “original” if “it is the result of the designer’s creative endeavor that provides a distinguishable variation over prior work pertaining to similar articles which is more than trivial and has not been copied from another source.” [17 U.S.C. § 1301\(b\)\(1\)](#).

**1303.6 Plug**

A “plug” is “a device or model used to make a mold for the purpose of exact duplication, regardless of whether the device or model has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.” [17 U.S.C. § 1301\(b\)\(5\)](#).

**1303.7 Useful Article**

A “useful article” is “a vessel hull or deck, including a plug or mold, which in normal use has an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article which normally is part of a useful article shall be deemed to be a useful article.” [17 U.S.C. § 1301\(b\)\(2\)](#).

**1303.8 Vessel**

A vessel is “a craft that is designed and capable of independently steering a course on or through water through its own means of propulsion; and that is designed and capable of carrying and transporting one or more passengers.” [17 U.S.C. § 1301\(b\)\(3\)](#).

**1304 Protectable Vessel Designs**

[Chapter 13](#) of Title 17 protects original designs for vessels that are designed and capable of (i) independently steering a course on or through water through its own means of propulsion, and (ii) carrying and transporting one or more passengers. [17 U.S.C. § 1301](#). Specifically, Chapter 13 protects the original design of the shape of a vessel hull, deck, or a combination of the two, which makes the article in which the design is incorporated attractive or distinctive in appearance to the purchasing or using public. [17 U.S.C. § 1301\(a\)\(1\)](#). This protection includes a plug or mold. [17 U.S.C. § 1301\(a\)\(2\)](#). Designers are allowed the option of protecting the hull alone, the deck alone, or the hull and the deck in combination.

**1304.1 Originality Requirement**

To be original, a [vessel design](#) must be the result of the designer's creative endeavor providing a distinguishable variation over prior work, and that variation must be "more than merely trivial" and not "copied from another source." [17 U.S.C. § 1301\(b\)\(1\)](#).

**1304.2 Fixation Requirement**

An original [vessel design](#) must be embodied in an actual vessel. The law does not protect vessel designs that exist only in models, drawings, or representations. *See* [17 U.S.C. § 1302\(5\)](#).

**1304.3 Revision, Adaptation, or Rearrangement**

Protection is available for a design that is a substantial revision, adaptation, or rearrangement of preexisting or ineligible design aspects or matter. Protection for a substantial revision, adaptation, or rearrangement does not extend to any subsisting protection in subject matter employed in the design. [17 U.S.C. § 1303](#).

**1304.4 Registration Requirement and Making Public Requirement**

An original [vessel design](#) is not protected until it is made public or until the U.S. Copyright Office publishes a registration for the design, whichever date is earlier.

If a design is made public, an application for registration must be filed no later than two years from the date on which the design was made public for the design to retain protection. [17 U.S.C. § 1302\(5\)](#).

Making a design public includes publicly exhibiting it, distributing it, offering it for sale, or selling it to the public, whether inside or outside of the United States, with the design owner's consent. [17 U.S.C. § 1310\(b\)](#).

Vessel designs that have not been made public may be protected under [Chapter 13](#) of Title 17, provided that the Office has registered the design.

**1305 Ineligible Designs****1305.1 No Retroactive Protection**

Protection extends only to [vessel designs](#) made public on or after October 28, 1998, the effective date of the VHDPA. *See* [17 U.S.C. § 1332](#). The VHDPA does not protect designs made public before that date.

**1305.2 Unoriginal Designs**

Protection does not extend to any [vessel design](#) that is:

- Not original.
- Staple or commonplace, such as a standard geometric figure, a familiar symbol, an emblem, or a motif, or another shape, pattern, or configuration which has become standard, common, prevalent, or ordinary.
- Different from a staple or commonplace design, such as a standard geometric figure, a familiar symbol, an emblem, or a motif, or another shape, pattern, or configuration which has become standard, common, prevalent, or ordinary only in insignificant details or in elements which are variants commonly used in the relevant trades.
- Dictated solely by a utilitarian function of the article that embodies it.

[17 U.S.C. § 1302\(1\)-\(4\)](#).

#### **1305.3 Ineligible Vehicles and Other Useful Articles**

Protection does not extend to any vessel design that is not embodied in a “vessel,” such as:

- Sea planes
- Paddle boards
- Surf boards
- Barges
- Floatable military shooting targets

#### **1305.4 Designs Made Public More Than Two Years Prior to Application for Registration**

A [vessel design](#) must be registered within two years of being made public or it will lose protection because a design that is embodied in a vessel “that was made public by the designer or owner in the United States or a foreign country more than two years before the date of application for registration” of the design is ineligible for protection. [17 U.S.C. § 1302\(5\)](#).

#### **1305.5 Designs Protected by Design Patents**

[Vessel designs](#) may not be protected under [Chapter 13](#) of Title 17 if they have design patent protection under Title 35 of the United States Code. [17 U.S.C. § 1329](#). Vessel design protection under Chapter 13 ceases if and when a U.S. design patent is issued for the design.

**1306 Term of Protection****1306.1 Term of Protection for Designs Registered with the U.S. Copyright Office**

Protection for a registered [vessel design](#) lasts ten years from the earlier of (i) the date a registration is published by the U.S. Copyright Office, or (ii) the date the design was first “made public,” whichever is earliest. [17 U.S.C. §§ 1304, 1305\(a\)](#). The term of protection lasts until the end of the calendar year in which it expires. [17 U.S.C. § 1305\(b\)](#). As noted in Section [1305.5](#), protection may terminate earlier if a design patent is issued before the ten-year term expires.

**1306.2 Term of Protection for Designs Registered in a Foreign Territory: Priority Claims**

If an application is made to register the same design by or on behalf of the same owner in a foreign jurisdiction that provides similar protection to U.S. citizens, that filing has the same effect as if the application is filed in the United States on the date of the foreign filing, provided that the U.S. application is filed within six months of the earliest date of any such foreign filing. [17 U.S.C. § 1311](#).

**1307 Exclusive Rights of Owner**

During the term of protection, the [vessel design](#) owner has the exclusive rights to:

- Make, have made, or import, for sale or for use in trade, any [useful article](#) embodying that design; and
- Sell or distribute for sale or for use in trade any useful article embodying that design.

[17 U.S.C. § 1308](#).

A vessel design owner may initiate an action for infringement of these rights provided that the U.S. Copyright Office has issued a [certificate of registration](#) for the design. [17 U.S.C. §§ 1309, 1321\(a\)](#).

**1308 Ownership in Vessel Designs**

The intellectual property right in a [vessel design](#) vests in one of the following:

- The designer;
- The designer’s legal representative(s), if the designer is deceased or legally incapacitated;
- If the design was made within the regular scope of the designer’s employment, the employer for whom the designer created the design; or
- A person to whom the rights of the designer or of such employer have been transferred.

The person in whom the property right vests is considered the owner of the design.

[17 U.S.C. § 1320\(a\)](#).

### **1308.1 Allowable Transfers, Grants, Conveyances, and Mortgages**

The rights in a protectable design may be assigned, granted, conveyed, or mortgaged by the owner to another person or entity. Such an assignment, grant, conveyance or mortgage must be in a writing that is signed by the owner, or it may be bequeathed by will. [17 U.S.C. § 1320\(b\)](#).

### **1308.2 Discretionary Recordation of Transfers**

Although recordation of transfers is not a condition for protection, the first transfer of ownership shall be void against a subsequent purchaser or mortgagee who obtained the transfer for valuable consideration, unless the first transfer is recorded with the U.S. Copyright Office within three months after it is executed or before the date of a subsequent purchase or mortgage. [17 U.S.C. § 1320\(d\)](#).

The same conditions and procedures for recording transfers of copyright ownership and other documents pertaining to copyright apply to the recordation of documents pertaining to [vessel design](#) protection under [Chapter 13](#). For more information on how to record such documents, see [Chapter 2300](#), Section 2309.

## **1309 Vessel Design Notice**

### **1309.1 Notice Is Mandatory**

Notice on a [vessel design](#) is mandatory. Once a design has been made public, a "notice" of design protection must be placed on all vessels that embody the design. [17 U.S.C. § 1306\(a\)](#). The design notice must be affixed to a location on the vessel in a manner that provides "reasonable notice," as described below in Section [1309.4](#), that the vessel contains a protected design. [17 U.S.C. § 1306\(b\)](#).

### **1309.2 Required Notice Elements**

The elements of a design notice must consist of the following:

- The words "Protected Design", the abbreviation "Prot'd Des.", the symbol ® (i.e., the letter "D" in a circle), or the symbol "\*D\*";
- The year in which protection for the design commenced; and
- The name of the owner, an abbreviation by which the owner can be recognized, or a generally accepted alternative designation of the owner.

For registered designs, the registration number may be used in place of both (i) the year in which protection for the design commenced, and (ii) the name of the owner or a

generally accepted alternative designation of the owner. [17 U.S.C. § 1306\(a\)](#); [37 C.F.R. § 212.4\(b\)](#).

### **1309.3 Name or Distinctive Identification of Owner**

A distinctive identification of the owner may be substituted for the actual name of the owner, provided that the distinctive identification is recorded with the U.S. Copyright Office prior to registration of the design marked with the distinctive identification. [37 C.F.R. § 212.4\(c\)](#).

To record a distinctive identification of an owner of a [vessel design](#) with the Office, the [applicant](#) must submit a document that contains the following information:

- The name and address of the owner;
- A statement of the owner that she or he is entitled to use the distinctive identification;
- A statement or description of the identification; and
- The recordation [filing fee](#).

[37 C.F.R. § 212.5](#). The current fee is set forth in the Office's [fee schedule](#) under the heading "Recordation of Documents." For information concerning the methods for paying this fee, see [Chapter 1400](#), Sections 1412.4 and 1412.5.

The document and fee should be mailed to the following address:

Library of Congress  
U.S. Copyright Office – DOC  
101 Independence Avenue SE  
Washington, DC 20559

### **1309.4 Placement of Notice**

A [vessel design](#) notice must be "located and applied as to give reasonable notice of design protection" while the vessel "is passing through its normal channels of commerce." [17 U.S.C. § 1306\(b\)](#); [37 C.F.R. § 212.4\(a\)\(1\)](#). Further, the notice must be "legible under normal conditions of use, and affixed in such a manner and position that, when affixed, it may be viewed upon reasonable examination." The notice does not need to be permanently embossed or engraved into the vessel hull or deck, provided it is affixed in a manner that it is not likely to become unattached or illegible under normal conditions of use. [37 C.F.R. § 212.4\(a\)\(2\)](#).

*Examples of acceptable notice locations include:*

- In close proximity to the hull identification number;
- In close proximity to the driver's helm console such that it is in plain view from the console;
- If the vessel is twenty feet in length overall or less, in close proximity to the capacity marking plate or notice; or
- In close proximity to the make and/or model designation of the vessel.

[37 C.F.R. § 212.4\(d\)](#).

## **1310 Importance of Registration**

### **1310.1 Registration Required for Ten-Year Protection**

To secure protection of a [vessel design](#) for the entire ten-year term, owners must file an application to register the design with the U.S. Copyright Office within two years of the date on which the design was first "made public." Otherwise, protection under [Chapter 13](#) will be lost. [17 U.S.C. § 1310\(a\)-\(b\)](#). For example, a [claim](#) in a vessel design that was first made public on October 31, 2013 must be received in the Office prior to or on October 31, 2015 to be protected.

### **1310.2 Benefits of Registration**

After the U.S. Copyright Office issues a [certificate of registration](#), the owner of the [vessel design](#) or the exclusive licensee of all rights in the vessel design may institute a civil action for infringement, provided the infringement occurred after the commencement of the term of protection. [17 U.S.C. § 1321\(a\)](#).

Further, a certificate of registration for a vessel design issued by the Office constitutes *prima facie* evidence of the facts stated in the certificate. [17 U.S.C. § 1314](#).

## **1311 Registration Procedures**

The required elements for registration of [vessel designs](#) are set forth in Section [1311.1](#) below. See [17 U.S.C. § 1310](#); [37 C.F.R. § 212.3\(b\)](#).

### **1311.1 Required Elements for Registration**

An application to register a [vessel design](#) must contain the following elements:

- A completed paper application using Form D-VH;
- A nonrefundable [filing fee](#); and
- Deposit material.

## 1311.2 Who May File the Application?

An application to register a [claim](#) in a [vessel design](#) may be filed by (i) the owner or owners of the design, or (ii) the duly [authorized agent](#) or representative of the owner or owners of the design. [17 U.S.C. § 1310\(c\), \(e\); 37 C.F.R. § 212.3\(c\)](#).

## 1311.3 Form D-VH

[Applicants](#) must use Form D-VH to register a [claim](#) in a [vessel design](#) and must use Form D-VH/CON to provide additional information, if necessary. A single Form D-VH may cover one or more designs on a single make or model of a vessel, but the applicant must use a separate continuation Form D-VH/CON for each of the related designs. An applicant must submit separate applications to register multiple designs that are contained on different makes and models of a vessel.

Form D-VH may only be used to register a claim in a vessel design. It cannot be used to register a claim in any other type of work.

*Examples:*

- The U.S. Copyright Office will refuse a claim in “technical drawings” of a vessel filed on Form D-VH. A separate copyright claim in drawings may be recommended. For more information on the copyrightability and registrability of claims in drawings, see [Chapter 900](#), Section 922.
- The Office will refuse a claim in “boat design” filed on [Form VA](#) and will inquire whether a claim based on “vessel design” may be filed on Form D-VH.
- The Office will refuse a claim for a nautical or maritime “furniture design” filed on Form D-VH. A separate registration for a copyright claim in furniture design may be recommended. For more information on the registration of copyright claims in the design of a [useful article](#), see [Chapter 900](#), Section 924.
- The Office will refuse a Form D-VH that claims in “vessel design, technical drawings, and advertising photos.” The Office will limit the Form D-VH to any eligible vessel design shown in the drawings and photographs. A separate registration for a copyright claim in the drawings and photographs may be recommended. For more information on the registration of copyright claims in drawings and photographs, see [Chapter 900](#), Section 909 and 922.

Forms [D-VH](#) and [D-VH/CON](#) are both available on the U.S. Copyright Office’s website.

Applicants also may request a hard copy of these forms from the U.S. Copyright Office’s Public Information Office as follows:

- *By telephone:* (202) 707-9100.
- *In Person:* James Madison Building, Public Information Office, Room LM-401, Monday through Friday, between the hours of 8:30 a.m. – 5:00 p.m. Eastern Time, except on federal holidays.
- *By U.S. Mail:* Library of Congress, U.S. Copyright Office, 101 Independence Avenue, SE, Washington DC 20559-6000.

All forms submitted to the Office must be clear and legible and suitable for automatic feeding through a photocopier. The Office will return forms that do not meet this requirement.

For information on completing Form D-VH, see Section [1312](#) below.

#### **1311.4 Filing Fees**

The current [filing fee](#) is set forth in the Office's [fee schedule](#) under the heading "Registration of a claim in a vessel design (Form D-VH)."

For information concerning the methods for paying this fee, see [Chapter 1400](#), Sections 1412.4 and 1412.5.

#### **1311.5 Deposit Material**

The [applicant](#) must submit deposit with the application, consisting of photographs or drawings that contain all of the claimed aspects of the [vessel design](#).

For information concerning the deposit requirements see Section [1313](#) below.

### **1312 Completing the Application**

The U.S. Copyright Office evaluates [vessel design](#) applications for completeness and sufficiency of the required elements. For detailed information on the registration of vessel designs, see [17 U.S.C. §§ 1310-1315](#) and the regulations on vessel designs in [37 C.F.R. Part 212](#).

#### **1312.1 Space 1: Title**

The title of a [vessel design](#) is comprised of the make and model of the vessel. In space 1, [applicants](#) must provide the make and model of the vessel that embodies the claimed design. This information is used to identify and catalog the design.

The make and model information typically consists of the following:

- The name of the manufacturer.
- The model identification, including any descriptive information, such as the general categorization or type of the vessel that is useful to identify the vessel.

If a design is embodied in multiple vessels with different makes and models, applicants should list each make and model for each vessel.

*Examples:*

- “Tracker Tahoe Q 5 runabout.”
- “Ranger Comanche 518VX bass boat.”

## **1312.2 Space 2: Design**

In space 2, [applicants](#) should provide a detailed but brief description of the [claim](#) for which registration is sought. Space 2 is divided into three subparts:

- The type or style of the design for which registration is sought.
- A brief general statement setting forth the salient features of the design.
- A description of any preexisting design used in the design for which a registration is sought.

### **1312.2(A) Space 2A: Type or Style**

In space 2A, [applicants](#) should identify the type of design for which protection is sought. The description should be general and, where possible, conform to accepted industry classifications, such as:

- Fiberglass tri-hull
- Aluminum pontoon

### **1312.2(B) Space 2B: Salient Features**

In space 2B the [applicant](#) may provide a brief description of the salient features of the design. [17 U.S.C. § 1310\(d\)](#). Providing this information is optional, however, the U.S. Copyright Office advises applicants to complete space 2B to create a clearer record and clearer identification of the [claim](#).

If a description is provided, it should clearly identify the design for which protection is sought.

*Examples:*

- “Design of transom.”
- “Configuration of deck.”

**1312.2(C) Space 2C: Prior Designs**

Applicants should complete space 2C only if the claimed design revises, adapts, or rearranges a prior design. In such cases, space 2C should contain a clear description of the prior design with sufficient detail to distinguish the prior design from the new design, as well as a description of the revisions, adaptations, or rearrangements that resulted in the new design.

If the claimed design is not based on a prior design, applicants should leave space 2C blank.

**1312.3 Space 3: Identify the Designer**

In space 3, the applicant should provide the name of the person or persons whose creative endeavors have resulted in the creation of the claimed design.

The name of the employer of the designer(s) may be entered instead of the individual designer or designers if:

- The design was created in the regular scope of an individual designer's employment; and
- The individual authorship of the design is too difficult or impossible to ascribe because, for instance, multiple employee-designers contributed to the creation of the design.

[17 U.S.C. § 1310\(g\)](#). In such cases, the applicant must check the box provided in space 3 which affirms that the design was created during the scope of an author's or authors' employment, and provide the name and address of the employer.

**1312.4 Space 4: Identify the Owner if Different from the Designer**

If the designer identified in space 3 is not the owner of the claimed design, applicants must provide the name of the owner of the design in space 4. If the designer in space 3 is the owner of the design, applicants should leave space 4 blank or write "N/A."

**1312.5 Space 5: Priority Claims**

A claimed design that was previously filed in a foreign country within six months of submitting the U.S. application is referred to as a "priority claim." See Section [1306.2](#). In such cases, the effective date of registration in the United States will be the same as the date of registration in the foreign country provided that the following conditions are satisfied:

- The country where foreign registration was made provides similar protection to U.S. citizens; and
- The law of the foreign country where previous registration was made provides protection for [vessel designs](#) of U.S. citizens similar to the protection provided in [17 U.S.C. Chapter 13](#).

[17 U.S.C. § 1311.](#)

If a priority claim exists at the time registration is sought, the [applicant](#) must provide information on that [claim](#) in space 5, including (i) the country, (ii) date of application, and (iii) a serial number. In addition, applicants must submit the following information:

- A certified copy of the foreign application;
- If the foreign application is in a language other than English, a translation of the foreign application, along with a signed statement by the translator that the translation is accurate; and
- If requested by the U.S. Copyright Office, proof that the foreign country in which the prior application was filed extends similar protection to designs owned by U.S. citizens, or designs for which [claims](#) are filed.

[37 C.F.R. § 212.3\(h\).](#)

**1312.6 Space 6: Date Made Public**

As discussed in Section [1303.3](#), a [vessel design](#) is “made public” under one of the following conditions:

- It was publicly exhibited anywhere;
- It was publicly distributed; or
- It was offered for sale or sold to the public under the owner’s authorization.

[17 U.S.C. § 1310\(b\)](#). If the design was made public prior to submission of the application, the [applicant](#) should check “yes” to the Made Public question, and provide the month, day, and year of public exhibition or distribution.

If the design was not made public prior to registration, the applicant should leave space 6 blank.

**1312.7 Space 7: Contact Person**

In space 7, the [applicant](#) should provide contact information for the person who can provide additional information regarding the application in the event the U.S. Copyright Office needs additional information. Contact information consists of the following:

- Name.
- Mailing address.
- Email address (if any).
- Daytime phone number.
- Facsimile number (if any).

The Office will not reject an application if space 7 is left blank, but the application may be delayed if the Office needs to communicate with the applicant and correct contact information is not provided in space 7 or elsewhere in the registration materials.

#### **1312.8 Space 8: Deposit Account Information**

The [applicant](#) should provide [deposit account](#) information in space 8 only if the applicant has an existing deposit account with the U.S. Copyright Office. Otherwise, space 8 should be left blank.

For more information on how to establish a deposit account with the Office, see [\*How to Obtain and Maintain a Copyright Office Deposit Account \(Circular 5\)\*](#).

#### **1312.9 Space 9: Certification and Sworn Statements**

To obtain a registration of a [vessel design](#), the [applicant](#) or the applicant's duly appointed agent or representative must certify the declaration in space 9. It is not necessary to have the declaration provided in space 9 notarized.

Willfully making false statements in the application is punishable by fine or imprisonment, or both, and may jeopardize the validity of the application and any resulting registration.

#### **1312.9(A) Space 9: Location of Design Notice**

If the design has been made public with a design notice as prescribed in [17 U.S.C. § 1306](#), the content and location of the notice on the vessel must be disclosed in space 9. For information regarding the placement of the notice, see Section [1309.4](#). If a distinctive identification of the owner has been recorded with the U.S. Copyright Office and is used instead of the design notice, the [applicant](#) should disclose this information in space 9.

#### **1312.9(B) Space 9: Certificate Mailing Address**

In Space 9, [applicants](#) should provide the name and address of the person or entity designated to receive a [certificate of registration](#). To avoid delays in mailing, applicants should type or handwrite the name and address clearly, because the U.S. Copyright Office will mail the certificate in a window envelope that displays the address exactly as it appears on the application.

#### **1313 Deposit Material**

As stated above in Section [1311.5](#), the [applicant](#) must submit deposit material with the application. The deposit material must contain no more than two photographs or drawings on a single sheet of paper, and no more than three 8 ½ inches by 11 inches sheets of paper per basic application fee. Photographs and drawings should not be combined on a single sheet.

### **1313.1 Views and Use of Perspective**

The drawings or photographs should contain a sufficient number of views to make an adequate disclosure of the appearance of the design, *i.e.*, front, rear, right and left sides, top, and bottom. The [applicant](#) may submit up to six different views or depictions of the design.

While not required, the U.S. Copyright Office suggests that applicants submit perspective views to show clearly the appearance and shape of the three-dimensional designs. *See 37 C.F.R. § 212.3(e)(2); 17 U.S.C. § 1310(h)* (“The application for registration shall be accompanied by two copies of ... [a] pictorial representation of the useful article embodying the design, having one or more views, adequate to show the design ....”).

### **1313.2 Photographic Deposit Requirements**

Deposit material containing photographs must satisfy the following requirements:

- The photographs must be mounted on plain, unlined 8 ½ inches by 11inches paper;
- The photographs must be developed on double-weight photographic paper;
- There can be no more than two photographs per sheet of paper;
- The photographs must be of a high enough quality to clearly show the details of the design; and
- The U.S. Copyright Office must be able to reproduce the photographs as submitted on a [certificate of registration](#), should a registration be issued.

[37 C.F.R. § 212.3\(e\)\(4\).](#)

### **1313.3 Drawing Deposit Requirements**

If the [applicant](#) submits deposit material that contains drawings, the deposit material must satisfy the following requirements:

- Only black ink is acceptable;
- The drawing must be submitted on 8 ½ inches by 11inches unrulled paper;
- The drawing must contain the appropriate amount of surface shading to clearly show the character and contour of all surfaces of any three-dimensional aspects of the design; and
- Surface shading should not be solid black, unless that depicts the color black in the design.

[37 C.F.R. § 212.3\(e\)\(3\).](#)

#### **1313.4 Use of Broken Lines in Drawings**

The [applicant](#) should use broken lines to depict structures that are not part of the claimed design. The broken lines should not intrude upon or cross the depiction of the claimed design, nor should the broken lines be of a heavier weight than the lines that depict the claimed design.

If a broken line must intrude or cross the depiction of the claimed design to depict the environmental structure, that drawing must be submitted in addition to one that clearly shows the claimed design without the intrusion of broken lines. [37 C.F.R. § 212.3\(e\)\(3\)\(ii\)-\(iii\)](#).

#### **1314 Submitting the Application, Filing Fee, and Deposit Material**

An [applicant](#) may submit Form D-VH, D-VH/CON, the [filing fee](#), and the deposit material in person or by U.S. mail, by commercial carrier, such as Federal Express or United Parcel Service, or by courier to the following addresses:

- *By U.S. mail or commercial carrier:* Library of Congress, U.S. Copyright Office–VH, 101 Independence Avenue, SE, Washington, DC 20559.
- *In person:* James Madison Building, Public Information Office, Room LM–401, Monday through Friday, between the hours of 8:30 a.m. – 5:00 p.m. Eastern Time, except on federal holidays.
- *By courier:* Congressional Courier Acceptance Site (“CCAS”), 2nd and D Streets, NE, Washington, DC, between the hours of 8:30 a.m. – 4:30 p.m. Eastern Time, except on federal holidays.

**NOTE:** Couriers will receive a dated receipt from CCAS, rather than the U.S. Copyright Office. The Office will consider the date of receipt at CCAS as the date of receipt in the Office. A courier may deliver up to ten items at a time. Packages accepted at CCAS may not exceed 4" x 14" x 18" in size. Larger packages will not be accepted by CCAS; in such cases, the courier will be directed to deliver these packages to the offsite mail processing center.

#### **1315 Publication of Registration Certificate and Effective Date of Registration**

When a [claim](#) is registered, the U.S. Copyright Office issues a [certificate of registration](#) that includes a reproduction of the drawings or other pictorial representations of the design. [17 U.S.C. § 1314](#).

Once a registration is made, the Office publishes a notification that the registration was made. The Office does so by posting the notification on its [website](#).

The [effective date of registration](#) of a [claim](#) to protection in a vessel design is the date on which the Office publishes the registration. [17 U.S.C. §§ 1313\(a\), 1315](#).

**1316 Reconsideration of Refusal to Register**

If the U.S. Copyright Office refuses to register a design, the [applicant](#) may seek reconsideration by filing a written request within three months of the refusal. [17 U.S.C. § 1313\(b\)](#). To exercise this option, the applicant should follow the procedures set forth in [37 C.F.R. § 202.5](#) and [Chapter 1700](#), Section 1703.1. If the Office upholds its refusal to register, the applicant may seek judicial review of the final refusal. [17 U.S.C. § 1321\(b\)](#).

**1317 Certificate of Correction for a Completed Registration**

If the U.S. Copyright Office makes a clerical or typographical error in preparing the [certificate of registration](#) for a [vessel design](#), the owner of the vessel design should contact the Public Information Office in writing using the form posted on the Office's [website](#). If appropriate, the Office will correct the error and will issue a new certificate to the correspondent named in the certificate.

If the [applicant](#) made a clerical or typographical error in the application for registration, the owner of the registered design or its duly [authorized agent](#) may submit an application for a certificate of correction using [Form DC](#) together with the appropriate [filing fee](#). See [37 C.F.R. § 212.8\(a\)\(3\), \(c\)](#). The current filing fee for a certificate of correction is listed on the Office's [fee schedule](#) under the heading "Correction of a design registration: Form DC." For information concerning the methods for paying this fee, see [Chapter 1400](#), Sections 1412.4 and 1412.5.

The Office will issue a certificate of correction only in cases in which the applicant made clerical or typographical errors. The Office has no authority and no procedure for allowing vessel design owners to supplement the [deposit](#) material for a registration for a vessel design, to amplify the facts or information set forth in the registration, or to correct material mistakes in the registration. See [17 U.S.C. § 1319](#). To correct substantive, material factual errors or omissions in the registration or to correct, supplement, or amplify the deposit material, the owner of the design must submit a new application using Form D-VH.