

# Works Not Protected by Copyright

To be copyrightable, a work must qualify as an original work of authorship under the copyright law. This circular highlights different types of works and subject matter that do not qualify for copyright protection.

It covers

- Ideas, methods, and systems
- Names, titles, and short phrases
- Typeface, fonts, and lettering
- Blank forms
- Familiar symbols and designs

To register a work with the U.S. Copyright Office, you must identify the copyrightable subject matter forming the basis of your claim. To be copyrightable, a work must qualify as an original work of authorship, meaning that it must have been created independently and contain a sufficient amount of creativity. Most works meet these conditions. Some works, however, contain elements that either lack the required creativity or are placed outside the bounds of copyright by the law. This circular highlights different types of noncopyrightable subject matter. For more information, see [chapter 300](#), section 313.3, of the *Compendium of U.S. Copyright Office Practices*.<sup>1</sup>

## Ideas, Methods, and Systems

Copyright law expressly excludes copyright protection for “any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied.” The Office may, however, register a literary, graphic, or artistic description, explanation, or illustration of an idea, procedure, process, system, or method of operation, provided that the work contains a sufficient amount of original authorship. However, copyright protection will extend only to the original expression in that work and not to the underlying idea, methods, or systems described or explained.

## Inventions

You can register a technical drawing or a written description of an invention when the drawing or description contains a sufficient amount of authorship. However, the registration extends only to the original expression contained in the drawing or description and does not apply to the underlying invention. Inventions meeting certain requirements may be patentable. For information about patent laws, visit the U.S. Patent and Trademark Office [website](#) or call 1-800-786-9199.

*Example:*

An author writes a book explaining a new system for food processing. The copyright in the book prevents others from copying or distributing the text and illustrations describing the author's system as expressed in the book, but it does not give the author the right to prevent others from employing the system or from using any procedures, processes, or methods described in the book.

**Recipes**

A recipe is a statement of the ingredients and procedure required for making a dish of food. A mere listing of ingredients or contents, or a simple set of directions, is uncopyrightable. As a result, the Office cannot register recipes consisting of a set of ingredients and a process for preparing a dish. In contrast, a recipe that creatively explains or depicts how or why to perform a particular activity may be copyrightable. A registration for a recipe may cover the written description or explanation of a process that appears in the work, as well as any photographs or illustrations that are owned by the applicant. However, the registration will not cover the list of ingredients that appear in each recipe, the underlying process for making the dish, or the resulting dish itself. The registration will also not cover the activities described in the work that are procedures, processes, or methods of operation, which are not subject to copyright protection.

*Examples:*

Jules Kinder submits an application to register a cookbook, *Pie in the Sky*. In the "Author Created" field of the application, Kinder asserts a claim in "text, photographs, and compilation of ingredients." Each recipe contains a list of ingredients, instructions for making a pie, and a photograph of the finished product. The claim in a "compilation of ingredients" will not be accepted because there is no copyrightable authorship in a mere listing of ingredients. Since this claim is not acceptable, the Office may communicate with Jules Kinder to limit the extent of the registration to the text and photographs only.

Paulina Neumann submits an application to register a recipe for caesar salad dressing. In the "Author Created" field, Neumann asserts a claim in "text." The work consists of a list of eleven ingredients with the following instructions: "(1) puree anchovies, garlic, Dijon, egg yolks; (2) drizzle oil in gradually to emulsify; (3) add lemon, parmesan cheese, salt, pepper, Worcestershire and tabasco sauce." The Office will refuse registration for this work, because the list of ingredients is uncopyrightable, and the instructional text contains an insufficient amount of creative authorship.

**Names, Titles, Short Phrases**

Words and short phrases, such as names, titles, and slogans, are uncopyrightable because they contain an insufficient amount of authorship. The Office will not register individual words or brief combinations of words, even if the word or short phrase is novel, distinctive, or lends itself to a play on words.

Examples of names, titles, or short phrases that do not contain a sufficient amount of creativity to support a claim in copyright include

- The name of an individual (including pseudonyms, pen names, or stage names)
- The title or subtitle of a work, such as a book, a song, or a pictorial, graphic, or sculptural work
- The name of a business or organization
- The name of a band or performing group
- The name of a product or service
- A domain name or URL
- The name of a character
- Catchwords or catchphrases
- Mottos, slogans, or other short expressions

Under certain circumstances, names, titles, or short phrases may be protectable under federal or state trademark laws. For information about trademark laws, visit the U.S. Patent and Trademark Office [website](#) or call 1-800-786-9199.

## **Typeface, Fonts, and Lettering**

Copyright law does not protect typeface or mere variations of typographical ornamentation or lettering. A typeface is a set of letters, numbers, or other characters with repeating design elements that is intended to be used in composing text or other combinations of characters, including calligraphy. Generally, typeface, fonts, and lettering are building blocks of expression that are used to create works of authorship. The Office cannot register a claim to copyright in typeface or mere variations of typographic ornamentation or lettering, regardless of whether the typeface is commonly used or unique. There are some very limited cases where the Office may register some types of typeface, typefont, lettering, or calligraphy. For more information, see [chapter 900](#), section 906.4 of the *Compendium*. To register copyrightable content, you should describe the surface decoration or other ornamentation and should explain how it is separable from the typeface characters.

## **Layout and Design**

As a general rule, the Office will not accept a claim to copyright in “format” or “layout.” The general layout or format of a book, page, book cover, slide presentation, web page, poster, or form is uncopyrightable because it is a template for expression. Copyright protection may be available for the selection, coordination, or arrangement of the specific content that is selected and arranged in a sufficiently creative manner. The claim, however, would be limited to the selection and arrangement of that specific content, not to the selection and arrangement of *any* content in that particular manner.

## **Blank Forms**

Blank forms typically contain empty fields or lined spaces as well as words or short phrases that identify the content that should be recorded in each field or space. Blank forms that are designed for recording information and do not themselves convey information are uncopyrightable.

Similarly, the ideas or principles behind a blank form, the systems or methods implemented by a form, or the form’s functional layout are not protected by copyright. A blank form may incorporate

images or text that is sufficiently creative to be protected by copyright. For example, bank checks may be registered if they contain pictorial decoration that is sufficiently creative. Contracts, insurance policies, and other documents with “fill-in” spaces may also be registered if there is sufficient literary authorship that is not standard or functional. In all cases, the registration covers only the original textual or pictorial expression that the author contributed to the work, but does not cover the blank form or other uncopyrightable elements that the form may contain.

Examples of blank forms include

- Time cards
- Graph paper
- Account books
- Diaries
- Bank checks
- Scorecards
- Address books
- Report forms
- Order forms
- Date books and schedulers

### **Familiar Symbols and Designs**

Familiar symbols and designs, or a simple combination of a few familiar symbols or designs, are uncopyrightable and cannot be registered with the Office. However, a work of authorship that incorporates one or more familiar symbols or designs into a larger design may be registered if the work as a whole contains a sufficient amount of creative expression.

Examples of familiar symbols and designs include but are not limited to

- Letters, punctuation, or symbols on a keyboard
- Abbreviations
- Musical notation
- Numbers and mathematical and currency symbols
- Arrows and other directional or navigational symbols
- Common symbols and shapes, such as a spade, club, heart, diamond, star, yin yang, or fleur de lys
- Common patterns, such as standard chevron, polka dot, checkerboard, or houndstooth
- Well-known and commonly used symbols that contain a minimal amount of expression or are in the public domain, such as the peace symbol, gender symbols, or simple emoticons
- Industry designs, such as the caduceus, barber pole, food labeling symbols, or hazard warning symbols
- Familiar religious symbols
- Common architecture moldings

## Registration of Works with Copyrightable and Uncopyrightable Subject Matter

When completing an application for a work with a significant amount of uncopyrightable subject matter, you should focus your claim specifically on the copyrightable subject matter. When completing the “Author Created” field in the online application, use words identifying copyrightable subject matter such as “text,” “photograph,” or “drawing.” Avoid words referring to material that is not subject to copyright protection, such as “idea,” “device,” “process,” “format,” or “layout.” Also, avoid using vague language, such as “design” or “entire work.”

For more information on general registration procedures, see *Copyright Registration* (**Circular 2**).

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### NOTE

1. This circular is intended as an overview of works not protected by copyright. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at [www.copyright.gov](http://www.copyright.gov).

## **For Further Information**

### ***By Internet***

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at [www.copyright.gov](http://www.copyright.gov).

### ***By Email***

To send an email inquiry, click the *Contact Us* link on the Copyright Office website.

### ***By Telephone***

For general information, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. To request application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

### ***By Regular Mail***

Write to

Library of Congress  
U.S. Copyright Office  
Outreach and Education Section  
101 Independence Avenue, SE #6304  
Washington, DC 20559-6304

