



**United States Copyright Office**

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Reporters, ALI Restatement of the Law, Copyright

Re: Tentative Draft No. 1

Dear Professor Revesz, Ms. Middleton, and Reporters:

The U.S. Copyright Office is responsible for administering significant portions of the nation's copyright law and providing expert advice to Congress, federal agencies, and the courts on copyright matters.<sup>1</sup> We have reviewed Tentative Draft No. 1 of ALI's proposed Restatement of the Law of Copyright and offer the below commentary to help guide consideration of the Draft.

At the outset, given the stage of this draft, we reiterate the fundamental concerns expressed in prior letters regarding the overall project. However well-intentioned such an effort may be, any attempt to "restate" a body of positive federal law by summarizing, paraphrasing, or abridging the statutory text will inevitably alter the sense and meaning of those provisions. And by presenting such commentary as a Restatement, the ALI is more likely to create confusion among judges and lawyers by incorrectly suggesting that the document carries greater authoritative weight than other academic sources. We therefore believe that consideration of this first Tentative Draft should include a reexamination of the soundness of the project as a whole.

In addition, we remain of the view that the Restatement should not displace traditional tools of statutory construction or the Copyright Office's rules and regulatory guidance interpreting and applying the Copyright Act. Such guidance is entitled to ordinary and appropriate levels of judicial deference. To that end, this letter highlights prior views expressed by the Office in areas relevant to the latest Draft, including guidance set forth in the *Compendium of U.S. Copyright Office Practices, Third Edition*, so that the Reporters may avoid or harmonize potential areas of

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<sup>1</sup> 17 U.S.C. § 701(a), (b).

conflict. We acknowledge and appreciate that the Reporters have addressed a number of points raised in our prior comments.

Our comments regarding the Tentative Draft are provided below, organized by order of appearance in the Draft.

### ***Section 1***

The text of black letter 1(c) says “notwithstanding” section 1(a) (which, in section 1(a)(1), requires that a work be a “work of authorship” to be eligible for copyright protection), government edicts are not copyrightable. We suggest this be rephrased in light of the Supreme Court’s decision in *Georgia v. Public.Resource.org, Inc.*, where the Court held that government edicts are not works of authorship.<sup>2</sup>

### ***Section 2***

Comment *g* cites *Compendium* section 805.5(B)(3) for the proposition that the “pantomimes and choreographic works” category excludes functional physical movements and ordinary motor activities in and of themselves.” The Draft should more clearly indicate that the Office relies on 17 U.S.C. § 102(a)(4) as the basis for this conclusion; *Compendium* section 805.5(B)(3) says that ordinary motor activities are not copyrightable because they are not dance, and are non-expressive. Similarly, *Compendium* section 806.5(B) references section 102(a)(4), not 102(b). With regard to the comment’s discussion of choreographic works, we would suggest adding a citation to *Compendium* section 805.5(A), which discusses uncopyrightable movements.

In the discussion of architectural works, Comment *l* quotes only a portion of the regulations in 37 C.F.R. § 202.11, and thus incorrectly suggests that the regulations are more restrictive than the legislative history in terms of what types of structures are copyrightable. The regulations do more than cover “humanly habitable structures that are intended to be both permanent and stationary.” They also give examples drawn from the legislative history: “such as houses and office buildings, and other permanent and stationary structures designed for human occupancy, including but not limited to churches, museums, gazebos, and garden pavilions.”<sup>3</sup>

Regarding the definition of dramatic works, and the relationship between dramatic works and dance in pre-1976 copyright law, we suggest that the Reporters consider a citation in Reporter’s Note *f* to the Copyright Law Revision: Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law, at 16-17 (1961).

### ***Section 4***

We appreciate that the Reporters have clarified Comment *f* by stating that “the owner of the copyright in a compilation may also own copyrights in the underlying material used in that

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<sup>2</sup> 140 S. Ct. 1498, 1507 (2020).

<sup>3</sup> See 37 C.F.R. § 202.11(b)(1) (defining “building”).

compilation,” as we recommended previously.<sup>4</sup> For similar reasons, as described in our prior letters, we believe further adjustment is appropriate.<sup>5</sup> The Comment continues to suggest that “the copyright in a compilation does not itself protect the underlying material.” Although the compilation and the constituent works represent different types of authorship, a registration for a compilation can support a claim for infringement of a constituent work (if the constituent work otherwise is copyrightable) where the copyright for that work is also owned by the author or owner of all rights in the collective work. When there is an express transfer or the author of the compilation is the same as the author of the constituent works, the constituent work is fully included in the copyright and any registration.<sup>6</sup> The Copyright Office continues to suggest redrafting Comment *f* to clarify this. We also direct the Reporters’ attention to the Second Circuit’s recent decision in *Sohm v. Scholastic, Inc.*, which held that “registration of a compilation of photographs under § 409 by an applicant that holds the rights to the component works also effectively registers the underlying individual photos where the compilation does not list the individual authors of the individual photos.”<sup>7</sup> This position is consistent with the Ninth Circuit’s decision in *Alaska Stock v. Houghton Mifflin Harcourt Pub. Co.*,<sup>8</sup> making the circuit courts uniform on this point.

### **Section 7**

An earlier draft of this section stated that “[c]hoices primarily involving considerations of utility, such as those dictated by the work’s function; involving the tools used to produce the work; or involving practices standard to a particular type of work, are not creative for the purpose of satisfying the originality requirement.”<sup>9</sup> A prior letter by the Office urged revision of that statement, noting that “it would seem to exclude virtually all computer programs—which are clearly protectable subject matter under the Act—since the writing of computer code is undoubtedly dictated by its function.”<sup>10</sup> The black letter language was subsequently edited and currently states, “The minimal-creativity requirement is not satisfied by choices that are routine, or by choices that are significantly constrained by external factors (such as the function the work is intended to serve, the tools used to produce the work, or practices or conventions standard to a particular type of work).” Additionally, the corresponding Comment *c* says, “choices do not reflect an author’s creative expression if they are *merely* routine.” (Emphasis added).

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<sup>4</sup> Letter from Regan A. Smith, General Counsel and Associate Register of Copyrights, and Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy & Practice, to Professor Richard L. Revesz, et al., American Law Institute, at 2–3 (Oct. 15, 2019) (“Oct. 2019 Letter”).

<sup>5</sup> *Id.* at 2; Letter from Sarang V. Damle, General Counsel and Associate Register of Copyrights, and Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy & Practice, to Professor Richard L. Revesz, et al., American Law Institute, at 2 (Nov. 9, 2016) (“Nov. 2016 Letter”).

<sup>6</sup> U.S. COPYRIGHT OFFICE, COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES § 618.7(B)(2) (3d ed. 2017).

<sup>7</sup> No. 18-2110, 2020 WL 2375056, at \*11 (2d Cir. May 12, 2020).

<sup>8</sup> 747 F.3d 673 (9th Cir. 2014).

<sup>9</sup> RESTATEMENT OF THE LAW COPYRIGHT § 2.04 (AM. LAW INST., Preliminary Draft No. 1, 2015).

<sup>10</sup> Letter from Jacqueline Charlesworth, General Counsel and Associate Register of Copyrights, to Professor Richard L. Revesz, et al., American Law Institute, at 3 (Dec. 1, 2015) (“Dec. 2015 Letter”).

While the revised language goes in the right direction, we recommend that Reporters refer to *Compendium* section 308.2, which states the requirement in terms that are narrower than merely “routine.” It provides:

An author’s expression does not need to “be presented in an innovative or surprising way,” but it “cannot be *so mechanical or routine* as to require no creativity whatsoever.” A work that it is “*entirely typical*,” “*garden-variety*,” or “*devoid of even the slightest traces of creativity*” does not satisfy the originality requirement. *Feist*, 499 U.S. at 362. “[T]here is nothing remotely creative” about a work that merely reflects “*an age-old practice, firmly rooted in tradition and so commonplace that it has come to be expected as a matter of course.*” *Id.* at 363. Likewise, a work “does not possess the minimal creative spark required by the Copyright Act” if the author’s expression is “*obvious*” or “*practically inevitable.*” *Id.* at 363. (Emphasis added).

The black letter’s reference to “choices that are significantly constrained by external factors” presents similar concerns. First, a focus on the limited number of choices available to an author would seem to be more appropriately situated within a merger analysis, not a minimal-creativity analysis.<sup>11</sup> Second, the “significantly constrained” standard appears to be broader than what the law has recognized, resulting in a higher threshold for copyrightability; the merger doctrine is generally limited to situations in which there is only one or a limited number of ways to convey the idea that the author seeks to express.<sup>12</sup>

By contrast, Comment *b*, Illustration 7 on page 65 suggests a lower copyrightability standard than the law has recognized. It states that painting the words “The Thief” on a blank canvas may constitute a copyrightable visual work based on the placement and manner of depiction. The Office suggests revising this example because “[t]he copyright law does not protect typeface or mere variations of typographic ornamentation or lettering.”<sup>13</sup> In addition, the Office “typically refuses to register” logos and labels consisting only of “wording,” “mere scripting or lettering” and “mere spatial placement or format” of label elements.<sup>14</sup> On that basis the Copyright Office Review Board has rejected numerous visual arts claims consisting of short phrases.<sup>15</sup> We

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<sup>11</sup> See, e.g., *Zalewski v. Cicero Builder Dev., Inc.*, 754 F.3d 95, 102–03 (2d Cir. 2014) (“[T]he ‘merger doctrine’ instructs that some ideas can only be expressed in a limited number of ways—single words or colors for example. When expression is so limited, idea and expression ‘merge.’”).

<sup>12</sup> See, e.g., *CCC Info. Servs., Inc. v. Maclean Hunter Market Reports, Inc.*, 44 F.3d 61, 68 (2d Cir. 1994) (“[W]hen the expression is essential to the statement of the idea, the expression also will be unprotected, so as to insure free public access to the discussion of the idea.”).

<sup>13</sup> *Compendium (Third)* § 313.3(D).

<sup>14</sup> *Id.* § 913.1.

<sup>15</sup> See, e.g., U.S. Copyright Office Review Board, *In re: LIV Logo* at 4–5 (Jan. 31, 2018), <https://www.copyright.gov/rulings-filings/review-board/docs/liv-logo.pdf> (rejecting claim consisting of lines arranged to form the letters “LIV” twice); U.S. Copyright Office Review Board, *In re: BLACKA* at 4 (Dec. 27, 2019), <https://www.copyright.gov/rulings-filings/review-board/docs/blacka.pdf> (rejecting claim for text “BLACKA” where A was stylized as a triangle with two interior circles).

recommend modifying Illustration 7, perhaps so that the text in the example is arranged to produce a representational image, such as the silhouette of a thief.<sup>16</sup>

### *Section 8*

As a general matter, we reiterate our view that the preferred approach for the Restatement should be to begin with the statutory text. It remains unclear when the Reporters decide to include statutory text in the black letter portion of sections and when, as here with the simultaneous fixation rule (which only appears in Comment *e*), they relegate statutory text to the comments portion. The Restatement may benefit from more clarity regarding its methodology regarding which statutory provisions are addressed in black letter versus the commentary sections.

The introduction of language not derived from the statute to the fixation requirement creates a potential source of confusion. Although the black letter regarding the duration requirement of fixation (about which the Office previously raised concerns<sup>17</sup>) has been edited to accurately reflect the statutory language that fixation requires a work to be “sufficiently permanent or stable to permit it *to be perceived, reproduced, or otherwise communicated* for a period of more than transitory duration,”<sup>18</sup> Comment *d* still suggests requirements that are not in the statute or case law. Specifically, it states that “fixation requires an embodiment that lasts long enough *to allow the enjoyment or exploitation of the work’s expressive content* after the embodiment is initially made—not, for example, solely during the work’s transmission via the medium in which it is embodied (even if can be perceived during that transmission).” (Emphasis added). The Restatement should retain the terms used in the statute and not suggest additional requirements unless it is simply pointing out what a particular court or courts have stated, with appropriate citations. As we noted previously, “[t]here can be no more accurate statement of the law than the words that Congress has enacted in the Copyright Act and those that the Copyright Office has adopted in its regulations.”<sup>19</sup>

Comment *d* also should make clear (as the corresponding Reporters’ Note does) that the *Cartoon Network* and *CoStar* decisions considered fixation in the context of whether infringement of the reproduction right occurred, rather than whether a work has met the threshold requirement for copyrightability. To help clarify this distinction, it may be useful to cite *Compendium* section 305, which explains, “[t]he Office rarely encounters works that do not satisfy the fixation requirement because the Office requires applicants to submit copies or phonorecords that contain a visually or aurally perceptible copy of the work.”

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<sup>16</sup> *Compendium (Third)* § 313.3(D) (stating that the “mere arrangement” of text is uncopyrightable, but arrangement that “produces an abstract or representational image, such as an advertisement that uses letters to create a representation of a person” may be registrable if it contains sufficient pictorial expression).

<sup>17</sup> Dec. 2015 Letter at 3.

<sup>18</sup> 17 U.S.C § 101 (emphasis added).

<sup>19</sup> Letter from Karyn Temple Claggett, Acting Register of Copyrights, to Professor David Levi, et al., American Law Institute, at 2 (Jan. 16, 2018).

## Section 9

While the Reporters have adopted some of our suggestions in this section, several others remain unaddressed.

The Office previously raised concerns about the reference in Comment *b* to a “double subsidy” here and in the Reporters’ Notes, stating that we do “not believe it is accurate to cite concern about a ‘double subsidy’ as the primary or even a significant motivation behind section 105.”<sup>20</sup> The reference to a “double subsidy” in the legislative history refers to the arguments made in favor of an exclusion for copyright protection for works prepared under U.S. government contract or grant and does not reflect the underlying policy Congress acted upon when drafting section 105.<sup>21</sup> Section 105 itself is a “modern codification of a policy adopted in 1895.”<sup>22</sup> The legislative history of that earlier provision “indicates that it was aimed at precluding copyright claims by private persons in their reprints of Government publications.”<sup>23</sup> We reiterate our suggestion to revise the discussion of the basis for section 105 to cite more relevant legislative history.

Comment *f* takes the position that “[w]orks jointly authored by U.S. government officers or employees and private individuals or entities should be excluded from copyright protection.” We previously raised concerns with this proposition, noting that it is arguably not supported by the statutory text, that the issue may be dependent on the specific facts of a given case, and that it is not supported by what little case law there is on the subject.<sup>24</sup> We reiterate our previous suggestion that “the Reporters not . . . take a position on this issue here,” nor introduce such a

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<sup>20</sup> Oct. 2019 Letter at 3–4.

<sup>21</sup> The passage in full reads:

The argument that has been made against allowing copyright in this situation is that the public should not be required to pay a “double subsidy,” and that it is inconsistent to prohibit copyright in works by Government employees while permitting private copyrights in a growing body of works created by persons who are paid with Government funds. Those arguing in favor of potential copyright protection have stressed the importance of copyright as an incentive to creation and dissemination in this situation, and the basically different policy considerations applicable to works written by Government employees and those applicable to works prepared by private organizations with the use of Federal funds.

The bill deliberately avoids making any sort of outright, unqualified prohibition against copyright in works prepared under Government contract or grant.

H.R. REP. NO. 94-1476, at 59 (1976).

<sup>22</sup> Brief of U.S. as Amicus Curiae at 3–4, *State of Georgia v. Public.Resource.org, Inc.*, 140 S. Ct. 1498 (2020) (No. 18-1150).

<sup>23</sup> Copyright Law Revision: Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law, at 130 (1961); *see also id.* (“The basic argument against permitting [Federal Government] publications to be copyrighted is that any material produced and issued by the Government should be freely available to the public and open to the widest possible reproduction and dissemination.”).

<sup>24</sup> Oct. 2019 Letter at 4 (citing *Gaylord v. United States*, 595 F.3d 1364 (Fed. Cir. 2010) and *Educ. Testing Serv. v. Miller*, Civ. A. No. 88-2819, 1991 WL212181, at \*3 (D.D.C. Sept. 30, 1991)).

“sweeping rule, particularly in the absence of a robust factual record and consideration of the legal and policy issues by the courts.”<sup>25</sup>

## ***Section 12***

In Comment *g*, Illustration 1, the Draft states that a song explaining a recipe for cookies will be protectable as to elements of the song but not the recipe, saying the recipe is an unprotected method. This is not entirely accurate. *Compendium* section 313.4(f) states that a list of ingredients is not protectable, but the addition of sufficient expression in a recipe may support the copyrightability of the work as a whole. The Copyright Office registers many cookbooks. We suggest choosing a different illustration that does not relate to methods (especially because the second Illustration relates to methods).

## ***Section 19***

We refer to several comments previously made regarding the distinction between useful articles and works of artistic craftsmanship.<sup>26</sup> Generally, we note that a new version of the *Compendium* is forthcoming that includes detailed discussions of useful articles and works of artistic craftsmanship and encourage citation to it at that time.<sup>27</sup>

The reference in Comment *a* to “works of artistic craftsmanship” being protectable only if they satisfy the test for useful articles is incorrect. As previously noted, useful articles and works of artistic craftsmanship are different categories of works.<sup>28</sup> Works of artistic craftsmanship are works of art that serve primarily decorative or ornamental purposes, but may have some extrinsic useful purpose.<sup>29</sup> The form of a work of artistic craftsmanship is protectable as a pictorial, graphic or sculptural work, but the mechanical or utilitarian aspects are not protected.<sup>30</sup> The separability test described in *Star Athletica, L.L.C. v. Varsity Brands, Inc.*<sup>31</sup> applies to useful articles; works of artistic craftsmanship are evaluated differently, reflecting that they are described in different statutory language. They are not intrinsically useful, but rather primarily ornamental.

Regarding Comment *b* and Reporters’ Note *b*, we refer back to our previous comments about toys; the Copyright Office generally treats toys as works of artistic craftsmanship, not useful

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<sup>25</sup> *Id.*

<sup>26</sup> Letter from Sarang V. Damle, General Counsel and Associate Register of Copyrights and Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy & Practice, to Professor Richard L. Revesz, Director, American Law Institute, et al. at 7 (Dec. 4, 2017) (“Dec. 2017 Letter”).

<sup>27</sup> The revised draft of the *Compendium* is available at <https://www.copyright.gov/comp3/draft.html>. For a discussion of the difference between works of artistic craftsmanship and useful articles, see section 925.3 of the current draft *Compendium*.

<sup>28</sup> Dec. 2017 Letter at 7.

<sup>29</sup> See *United States v. Perry*, 146 U.S. 71, 74–75 (1892) (distinguishing between “[o]bjects of art, which serve primarily an ornamental, and incidentally a useful, purpose” and “objects primarily designed for a useful purpose, but made ornamental to please the eye”).

<sup>30</sup> 17 U.S.C. § 101 (definition of “Pictorial, graphic, and sculptural works”).

<sup>31</sup> 137 S. Ct. 1002 (2017).

articles.<sup>32</sup> The holding regarding copyrightability of a toy airplane in *Gay Toys, Inc. v. Buddy L. Corp.* was based on the finding that the function of the toy was “much more similar to that of works of art than it is to the ‘intrinsic utilitarian function’ of industrial products.”<sup>33</sup> The separability test does not apply to a teddy bear because the Copyright Office views it as a work of artistic craftsmanship. The Office likewise views the stacking toy example as a work of artistic craftsmanship. In the absence of case law holding that the separability test applies to toys, and in light of the *Compendium* position to the contrary, we suggest that the Draft not use toys as an example.

For reasons similar to those expressed in response to Comment *a* of this section, we suggest deleting the reference in Comment *c* to works of artistic craftsmanship.

Comment *d*, Illustration 3 could be made clearer. The copyrightability inquiry does not end in finding that the work is a useful article. After stating that the replica toilet is a useful article, the Draft should explain that there are no separable features before concluding that it is not copyrightable.

Reporters’ Note *d* states, “It is entirely possible, however, and indeed likely, that the perception of consumers may be relevant to the determination of separability in a particular case. In such an instance, it is at least theoretically possible that courts, drawing an analogy to patent law’s nonobviousness inquiry, may invoke consumer perception as a ‘secondary consideration’ that informs the separability analysis.” As we stated previously,<sup>34</sup> not only does the Office not think it is likely that consumer perception will be relevant to the inquiry, we believe the Supreme Court squarely foreclosed this approach in *Star Athletica*.<sup>35</sup> The Office does not take marketing or consumer perception evidence into consideration when registering claims.

## ***Section 21***

We acknowledge and appreciate the addition of a citation in Reporters’ Note *a* to the *Compendium* to reflect the Office’s position on nonhuman authorship.

## ***Section 22***

Comment and Reporters’ Note *e* both retain an incorrect characterization of *Compendium* section 505.2 and should be revised. As the Office explained in its January 8, 2020 letter,<sup>36</sup> the citation to section 505.2 suggests that the Office has “also” adopted the position taken by the Restatement and endorsed a requirement that contributions by joint authors be “significant” to

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<sup>32</sup> Dec. 2017 Letter at 8.

<sup>33</sup> 703 F.2d 970, 973 (6th Cir. 1983).

<sup>34</sup> Dec. 2017 Letter at 9.

<sup>35</sup> See *Star Athletica*, 137 S. Ct. at 1015 (2017).

<sup>36</sup> Letter from Regan A. Smith, General Counsel and Associate Register of Copyrights, and Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy & Practice, to Richard Revesz et al., American Law Institute, at 2 (Jan. 8, 2020) (“Jan. 2020 Letter”).



the work as a whole.<sup>37</sup> As explained previously, however, section 505.2 states only that when putative joint authors contribute dramatically unequal amounts to a work, it renders “implausible” an assertion of joint authorship, of which the “key requirement” is intent to merge.<sup>38</sup> We request that the Draft remove any suggestion that the Office endorses such a requirement.

More generally, we reiterate our recommendation that Comment *e* be revised to “more directly [tie] this discussion to the intent requirement for joint authorship.”<sup>39</sup> The comment cites *Aalmuhammed v. Lee*<sup>40</sup> for the proposition that “if a person made only a minor copyrightable contribution to a larger work, that contribution, alone, is not necessarily sufficient to make that person a co-author of a joint work as a whole.” As noted previously, the holding in that case was predicated not on the content of the contribution but on who exercised control over the joint work in its entirety.<sup>41</sup> To avoid overstating the role of “significance” beyond what courts have recognized, the Office suggests that the comment be clarified to note that the “key requirement” of joint authorship is the authors’ intention to merge their contributions into an integrated unit, and that the significance of a collaborator’s contribution may be relevant insofar as it provides evidence regarding such intent.<sup>42</sup>

## ***Section 24***

The Office acknowledges and appreciates the removal of the final sentence of Reporters’ Note *b* from the prior draft, regarding works created by an individual for their unincorporated association, as recommended in our January 8, 2020 letter.<sup>43</sup>

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<sup>37</sup> See RESTATEMENT OF THE LAW COPYRIGHT § 22 cmt. e (AM. LAW INST., Tentative Draft No. 1, 2020) (“[T]his Restatement takes the position that for a contributor to be a co-author of a joint work, that person must contribute content that is enough, in the context of the entire work, to qualify that author as one of the co-authors of the work as a unitary whole. The Copyright Office *also* takes the position that . . .”) (emphasis added).

<sup>38</sup> *Compendium (Third)* §§ 505.1-2; *see also* Jan. 2020 Letter at 3 (“The Office does not engage in a separate determination of significance of contribution; it merely acknowledges that intent is less clear when one creator contributes significantly less to a work than another.”).

<sup>39</sup> Jan. 2020 Letter at 3.

<sup>40</sup> 202 F.3d 1227 (9th Cir. 2000).

<sup>41</sup> *Id.* at 1235 (“Aalmuhammed offered no evidence that he was the ‘inventive or master mind’ of the movie. . . . What Aalmuhammed’s evidence showed, and all it showed, was that, subject to Spike Lee’s authority to accept them, he made very valuable contributions to the movie. That is not enough for co-authorship of a joint work.”).

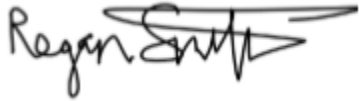
<sup>42</sup> *Compendium (Third)* § 505.1-2.

<sup>43</sup> Jan. 2020 Letter at 3–4.

## Conclusion

The Office welcomes public evaluation and discussion of the copyright law and thanks the ALI and the Reporters for their attention to our comments.

Sincerely,

A handwritten signature in black ink that reads "Regan A. Smith". The signature is written in a cursive style with a prominent horizontal line across the top.

Regan A. Smith  
General Counsel and Associate Register of Copyrights

A handwritten signature in black ink that reads "Robert J. Kasunic". The signature is written in a cursive style with a large, stylized initial "R" and "K".

Robert J. Kasunic  
Associate Register of Copyrights and Director of Registration Policy & Practice