United States Copyright Office
Library of Congress · 101 Independence Avenue SE · Washington, DC 20559-6000 · www.copyright.gov

April 3, 2015

L. Donald Prutzman
Tannenbaum Helpern Syracuse & Hirschtritt LLP
900 Third Avenue
New York City, NY 10022-4775

RE: Correspondence ID 1-IW1A44
EVA FEHREN X RING
EVA FEHREN X RING—BLACK GOLD
Request for Acceptance of Late Submission Pursuant to 37 C.F.R. § 201.8

Dear Mr. Prutzman:

I am responding to your letter dated December 18, 2014 concerning your client's second request for reconsideration of the U.S. Copyright Office's refusal to register the jewelry designs titled "Eva Fehren X Ring" and "Eva Fehren X Ring—Black Gold." The Copyright Office Review Board hereby accepts your client's second request.

The Office received applications to register these works on March 27, 2013. On June 25, 2013 the registration specialist refused registration, concluding that these jewelry designs do not contain a sufficient amount of creative expression to warrant registration. In a letter dated September 23, 2013, you asked the Office to reconsider its refusal to register. After reviewing the works in light of the points raised in your letter, the Office again refused to register these jewelry designs in a letter dated January 13, 2014.

In your letter dated December 18, 2014 you stated that you prepared a second request for reconsideration, and that you submitted this request to the Office by Express Mail on April 11, 2014 along with a check for $525. Although the Office has no record of having received this submission, you asked the Office to assume that your client's second request should have been delivered on April 12, 2014. In support of this request you submitted a copy of a receipt issued by the U.S. Postal Service indicating that the Postal Service received a package on April 11, 2014 which was addressed for delivery to the Office by Express Mail.

The Copyright Office Review Board may accept a late submission if the requesting party "provides satisfactory evidence that he or she has attempted to deliver . . . material to the Copyright Office but that receipt by the Copyright Office was delayed due to a general

disruption or suspension of postal or other transportation or communications services."[1] 37 C.F.R. § 201.8(b). In such cases, the Office "shall assign, as the date of receipt . . . the date on which the [Office] determines the material would have been received but for the disruption or suspension of services . . . ." *Id.* In the case of "[m]aterials deposited with the United States Postal Service for delivery by means of Express mail," the Office will presume that the materials "would have been received in the Copyright Office one day after deposit with the United States Postal Service." *Id.* § 201.8(f)(3).

The Board finds that you provided satisfactory evidence that you attempted to deliver your client's submission within three months after the date set forth in the Office's response to your client's first request for reconsideration. 37 C.F.R. § 202.5(c)(3). The Board finds that – but for the disruption of postal services – your client's submission would have been received on or before the applicable deadline. 37 C.F.R. § 201.8(f)(3). The Board also notes that you submitted a check in the amount $525, which is the correct filing fee for submissions received on or before May 1, 2014.

The Board will issue a decision concerning these works in due course.

Sincerely,

Erik Bertin
Copyright Office Review Board

[1] In December 2001 the Register of Copyrights determined that there has been a general disruption of postal services; that determination remains in effect to this date. 66 Fed. Reg. 63,267 (Dec. 5, 2001).