

Registration Number

-APPLICATION-

Title _____

Title of Work: SPSO Website www.poolandspapartsnow.com

Completion/Publication _____

Year of Completion: 2015
Date of 1st Publication: August 26, 2015
Nation of 1st Publication: United States

Author _____

- Author:** SELLPOOLSUPPLIESONLINE.COM, LLC
Author Created: text, photograph(s), computer program
Work made for hire: Yes
Citizen of: United States

Copyright Claimant _____

Copyright Claimant: SELLPOOLSUPPLIESONLINE.COM, LLC
2885 N NEVADA STE 160, CHANDLER, AZ, 85225, United States

Limitation of copyright claim _____

Material excluded from this claim: text, photograph(s), computer program, artwork

New material included in claim: text, photograph(s), computer program

Rights and Permissions _____

Organization Name: Digital Business Law Group, P.A.
Name: Carlos Leyva
Email: cleyva@digitalbusinesslawgroup.com
Telephone: (800)516-7903
Alt. Telephone: (727)744-8683
Address: 1001 Starkey Rd. #18
Largo, FL 33771 United States

Certification _____

Name: Carlos A. Leyva
Date: September 13, 2015

Registration #: *-APPLICATION-
Service Request #: 1-2700591671

Mail Certificate

Digital Business Law Group, P.A.
Carlos Leyva
1001 Starkey Rd. #18
Largo, FL 33771 United States

Priority: Routine

Application Date: September 13, 2015

Note to C.O.: The website will be sent on a thumb drive contained the complete website in a ZIP file as well the complete site in a set of folders unzipped. Click "index.html" to launch site.

Correspondent

Organization Name: Digital Business Law Group, P.A.
Name: Carlos Leyva
Email: cleyva@digitalbusinesslawgroup.com
Telephone: (800)516-7903
Alt. Telephone: (727)744-8683
Address: 1001 Starkey Rd. #18
Largo, FL 33771 United States



Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

1-2700591671 SPSO Website www.poolandspapartsnow.com

Copyright Office <cop-ad@loc.gov>
To: cleyva@digitalbusinesslawgroup.com

Tue, Sep 20, 2016 at 2:47 PM

Dear Mr. Leyva:

I was assigned to this case and am writing regarding problems with the information on the application that must be resolved before the work can be registered.

First, the application states that SELLPOOLSUPPLIESONLINE.COM, LLC is the author and copyright owner, or claimant, of the work, but the name in the copyright notice on the copy is Pool and Spa Parts Now. Generally the name in the copyright notice is the copyright claimant. Further since the author of a work is the original copyright owner, Pool and Spa Parts Now may also be not only the name of the website, but the name of the author. Please clarify who created the content contained on the website that is part of the claim. Then provide the name of the copyright owner of that material, and if the name of the author is different from the name of the claimant, please provide a transfer statement that explains how the claimant came to be the copyright owner. And finally, if the name of the copyright owner is not the same as the name in the copyright notice, please explain the variance.

When I receive the answers to these questions, I will advise you on further problems with the claim.

Please note that if we do not receive a response to this message within 20 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission.

Sincerely,

Janet E. Alger
Copyright Examiner
Literary Division

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.

[THREAD ID:1-1UCR7EG]



Helping online businesses protect their rights.

September 23, 2016

SENT VIA EMAIL

Janet E. Alger
Copyright Examiner
Literary Division
U.S. Copyright Office
101 Independence Avenue S.E.
Washington, D.C. 20559-6000

Re: 1-2700591671, SPSO Website, <www.poolandspapartsnow.com>

Dear Ms. Alger,

I am writing to you in response to correspondence you sent on September 20, 2016 regarding application number 1-2700591671 (“Application”). See Exhibit A, U.S. Copyright Office correspondence dated September 20, 2016 (“Correspondence”), attached hereto and incorporated herein by reference.¹ It is my understanding that your Correspondence raises two principal questions about the Application: (1) how SellPoolSuppliesOnline.com, LLC (“SPSO”) came to own the work in question; and (2) why the name “Pool and Spa Parts Now” was used on the copyright notice of the work. The remainder of this letter answers these questions.

Background

SPSO facilitates the online presence and online store of numerous swimming pool contractors and parts suppliers throughout and around Arizona by licensing its website platform (“Platform”), located on the Internet at www.sellpoolsuppliesonline.com. The Platform consists of, *inter alia*, a compilation of programs, representations, originally authored works and writings, computer architecture and design, which provide SPSO licensees the infrastructure to configure, implement, and maintain fully functional and attractive websites based on the Platform that are personalized to each customer’s business, incorporate and effectively use search engine optimization, and provide “drop-ship” delivery that dispenses with the need to maintain inventory.

¹ All exhibits are attached hereto and incorporated herein by reference unless otherwise noted.

Ownership

Aaron and David Hagen (“the Hagens”) are the sole members of SPSO, personally owned all of the text, photographs, and computer programs claimed in the Application (“Claimed Expression”). The Hagens considered the Claimed Expression contributed property (“Contribution”) when they formed SPSO and subsequently executed a transfer agreement formalizing said Contribution. *See Exhibit B*, transfer agreement between the Hagens and SPSO. Therefore, it is undisputed that SPSO is the rightful owner of the Claimed Expression.

Notice

The Hagens created the Claimed Expression on a “live demo site” (“Demo Site”) on the Internet at www.poolandspapartsnow.com (“Domain Name”). *See Exhibit C*, the Hagens’ Demo Site. The Demo Site was designed to process orders in exactly the same manner that any other SPSO licensee would process orders. In short, the Demo Site was used as a sales tool and showcase for SPSO to demonstrate the capabilities of its Platform to prospective customers. As non-lawyers, the Hagens did not recognize the fact that the copyright notice should have contained SPSO’s name instead of what amounts to a fictitious name. Every time SPSO sold an instance of its Platform, it would assign the new licensee a Domain Name that it owned and hosted on its Platform. It adopted the same convention with respect to the copyright notice that it had used for the Demo Site (i.e. the copyright notice contained the new Domain Name instead of SPSO’s name). *See Exhibit D*, an example of one of SPSO’s licensees.

SPSO hosted the sites of all its licensees and also owned all of the Domain Names that were assigned to same. So as a practical matter, SPSO created a series of fictitious names adding a new one every time a license was sold. Although this may not have been technically correct with respect to the copyright notice, the U.S. abandoned technical requirements with the Berne Convention Implementation Act of 1988.

Conclusion

I certainly understand the confusion that this may have caused the Copyright Office and hope that my response clarifies the issues so you can proceed with the registration. Further, because this registration is implicated in pending litigation, it is my hope that we can clarify any remaining questions in an expeditious manner without further delay. Should you have further questions you can reach me at the email address or phone number listed below.

Sincerely,

 Digitally signed by Carlos A. Leyva, Managing Shareholder
DN: cn=Carlos A. Leyva, Managing Shareholder, o=Digital Business Law Group, P.A., ou,
email=cleyva@digitalbusinesslawgroup.com, c=US
Date: 2016.09.23 12:19:48 -04'00'

Carlos A. Leyva
Managing Shareholder
The Digital Business Law Group, P.A.
Phone: (800) 516-7903
Fax: (800) 257-9128
cleyva@digitalbusinesslawgroup.com

cc: DBLG, P.A.
File



Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

Acknowledgement of Uploaded Deposit

Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

Tue, Oct 4, 2016 at 7:48 AM

To: Copyright Office <cop-rc@loc.gov>

Cc: Martin Gwynn <mfgwynn@tampabay.rr.com>

[THREAD ID: 1-1UMR8DT]

Ms. Alger,

This is my second email regarding paying the \$850.00 expedite fee for this application. I am going to ask my assistant to attempt to reach you by telephone to discuss. As I mentioned in my previous email, currently this application is holding up pending litigation and that is why need to move fast.

Best regards,

Carlos Leyva, Esq.

The Digital Business Law Group, P.A.

www.digitalbusinesslawgroup.com

Phone: (800) 516-7903

Fax: (800) 257-9128

[Quoted text hidden]



Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

Acknowledgement of Uploaded Deposit

Copyright Office <cop-rc@loc.gov>
To: cleyva@digitalbusinesslawgroup.com
Cc: Martin Gwynn <mfgwynn@tampabay.rr.com>

Tue, Oct 4, 2016 at 12:39 PM

Dear Mr. Leyva,

Thank you for submitting the extensive material in response to my questions, but it is not clear to me from your letter how the questions have been answered. Please review the questions below and respond with the answers to the specific questions.

First, the application states that SELLPOOLSUPPLIESONLINE.COM, LLC is the author and copyright owner, or claimant, of the work, but the name in the copyright notice on the copy is Pool and Spa Parts Now.

Is the name in the copyright notice on the deposit copies correct or incorrect?

Is the name of the copyright owner of the material being registered SELLPOOLSUPPLIESONLINE.COM, LLC as is named on the application, or is the copyright owner Pool and Spa Parts Now as is stated in the copyright notice?

Second, if the work is owned by SELLPOOLSUPPLIESONLINE.COM, LLC, was it also created by the employees of that company?

On the other hand, if the work is owned by Pool and Spa Parts Now, was it also created by the employees of that entity?

In either case, if the name of the author is not also the same as the name of the copyright owner, or claimant, then a transfer statement, such as "by written agreement" must be added to the application. If the name of the author and the claimant are the same, then no transfer statement is needed.

Finally, you refer in your email below to the paying of the \$850 expedited special handling fee, but I do not see that you have paid any such fee, rather only the \$55 processing fee. If there is a problem with the fees that you have paid, I suggest that you contact the Copyright Public Information Office at [202-707-5959](tel:202-707-5959) to speak with the Accounting Department.

Sincerely,

Janet E. Alger

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.

[THREAD ID:1-1UMR8DT]

—Original Message—

From: cleyva@digitalbusinesslawgroup.com
Sent: 10/4/2016 7:48:41 AM
To: Copyright Office <cop-rc@loc.gov>
Cc: Martin Gwynn <mfgwynn@tampabay.rr.com>
Subject: Re: Acknowledgement of Uploaded Deposit
[Quoted text hidden]



Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

Acknowledgement of Uploaded Deposit

Copyright Office <cop-rc@loc.gov>
To: cleyva@digitalbusinesslawgroup.com

Thu, Oct 6, 2016 at 8:48 AM

Thank you for the information.

Since this application is to register the website as it appeared (published) on 08/26/2015, was any of the computer code or were any of the photographs from earlier versions of the website? If so, they must be excluded from this claim since the extent of claim for a revised, or derivative, work is based only on the new and revised material contained in the later version of the work.

When I receive the information, I will make the necessary changes.

Sincerely,

Janet E. Alger

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.

[THREAD ID:1-1UMR8DT]

—Original Message—

From: cleyva@digitalbusinesslawgroup.com
Sent: 10/6/2016 7:36:22 AM
To: Copyright Office <cop-rc@loc.gov>
Cc: Martin Gwynn <mfgwynn@tampabay.rr.com>
Subject: Re: Re: Re: Re: Acknowledgement of Uploaded Deposit
[Quoted text hidden]



Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

Acknowledgement of Uploaded Deposit

Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

Thu, Oct 6, 2016 at 8:57 AM

To: Copyright Office <cop-rc@loc.gov>

Cc: John Nelson <jnelson@digitalbusinesslawgroup.com>, Martin Gwynn <mfgwynn@tampabay.rr.com>

[THREAD ID:1-1UMR8DT]

They may have been from an earlier version of the website BUT we need special dispensation because this is the first time registration of the website and no copy (i.e. mirror or backup) of a prior website exists.

In my previous interactions with the USCO regarding this very same issue I was informed that we could ask for special dispensation related to this scenario.

Carlos Leyva, Esq.
The Digital Business Law Group, P.A.
www.digitalbusinesslawgroup.com
Phone: (800) 516-7903
Fax: (800) 257-9128

[Quoted text hidden]



Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

1-2700591671 SPSO Website www.poolandspapartsnow.com

Copyright Office <cop-ad@loc.gov>

Fri, Oct 14, 2016 at 6:26 AM

To: cleyva@digitalbusinesslawgroup.com, mfgwynn@tampabay.rr.com

Dear Mr. Leyva and Mr. Gwynn:

I received a message from our division attorney that your request for an exception to the deposit material has been denied. We can only register the website as it appeared on the date on which it was printed, not for any past or future versions.

Please provide the date on which the version of the website submitted appeared online.

Second, if any of the content of the website ever appeared online or in any other form previous to the version submitted, please authorize me to exclude all of the preexisting material and to limit the claim to the new and revised material in this version of the website.

Sincerely,

Janet E. Alger
Copyright Examiner
Literary Division

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.

[THREAD ID:1-1VFJI6O]



Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

1-2700591671 SPSO Website www.poolandspapartsnow.com

Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

Fri, Oct 14, 2016 at 7:52 AM

To: Copyright Office <cop-ad@loc.gov>

Cc: Martin Gwynn <mfgwynn@tampabay.rr.com>, John Nelson <jnelson@digitalbusinesslawgroup.com>

[THREAD ID:1-1VFJI6O]

On what grounds is special dispensation denied? Websites aren't copyrighted usually until they are mature. **Therefore, this policy excludes almost every conceivable website that is non-trivial from being copyrighted.**

How do we appeal this decision? This policy makes absolutely no sense vis-a-vis how the marketplace works for websites. Clients don't hire lawyers usually until they believe they have a viable site. By that time, according to this rule, it would be impossible to copyright the site as it existed a year earlier (i.e. without excluding all previously published material).

Carlos Leyva, Esq.
The Digital Business Law Group, P.A.
www.digitalbusinesslawgroup.com
Phone: (800) 516-7903
Fax: (800) 257-9128

[Quoted text hidden]

1 engine optimization ("SEO"), and provide "drop-ship" delivery that dispenses with the
2 need to maintain inventory.

3 4. SPSO first published the Platform on or about July 3, 2014. It was
4
5 completed on about June 25, 2014.

6 5. The sample of the Platform provided to the United States Copyright Office
7 with SPSO's Copyright application in 2015 is the same as the website first appeared
8 when published on July 3, 2014.
9

10
11 FURTHER AFFIANT SAYETH NAUGHT,

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14  11/19/16
15 Aaron Hagen Date:
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Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

SPSO Website Registration Attention: Agent Janet E. Alger

Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

Wed, Nov 16, 2016 at 8:41 AM

To: Copyright Office <cop-rc@loc.gov>

Cc: Martin Gwynn <mfgwynn@tampabay.rr.com>

[THREAD ID:1-1UMR8DT]

Ms. Alger,

Attached is a signed affidavit from my client clarifying when the website in question was first completed and published:

Completed Date: June 25, 2014.

Published Date: July 3, 2014.

The Deposit that was submitted correctly represents the copy that was **first published on July 3, 2014**. Counsel did not have sufficient facts at the time of application.

With this information, and the previously submitted transfer agreement which you acknowledged, I believe we have answered all questions that were preventing this registration from proceeding.

Because we are in the middle of litigation, my Director of Operations will be contacting the USCO's accounting office so that we can determine how to pay the expedited fee.

Regards,

Carlos Leyva, Esq.

The Digital Business Law Group, P.A.

www.digitalbusinesslawgroup.com

Phone: (800) 516-7903

Fax: (800) 257-9128

 20161116_Aaron Hagan Affidavit for USCO Executed.pdf
293K



Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

SPSO Website Registration Attention: Agent Janet E. Alger

Carlos Leyva <cleyva@digitalbusinesslawgroup.com>
To: Copyright Office <cop-rc@loc.gov>
Cc: jalg@loc.gov

Thu, Nov 17, 2016 at 3:55 PM

See responses below in **blue bold**.

Carlos Leyva, Esq.
The Digital Business Law Group, P.A.
www.digitalbusinesslawgroup.com
Phone: (800) 516-7903
Fax: (800) 257-9128

On Thu, Nov 17, 2016 at 2:55 PM, Copyright Office <cop-rc@loc.gov> wrote:
Hi Carlos,

I am Janet Alger's supervisor here at the United States Copyright Office. I have taken this case over from her. There are a few more things we need to do before we can process your claim. First, I want to confirm in this email all of the updates we have made to your original application. Second, we will need some additional deposit material from you if you wish to register the HTML code for the website. I will explain why and how to get this material to us quickly. Please note that, as a general rule, we do not review legal documents provided by applicants to support facts on registration applications. However, I did ask one of our Attorney Advisors and our Deputy Director to review the affidavit you emailed on November 16, 2016, confirming that the work deposited was the first published version of the website.

A) The application as originally submitted listed SELLPOOLSUPPLIESONLINE.COM, LLC as the sole author and claimant of "text, photographs, computer program." In subsequent emails with Janet, you explained that this information was incorrect and the following changes were made to your application:

1) You confirmed that Aaron Hagen and David Hagen were joint authors of the work. You stated their authorship was the photographs and the "computer program" and authorized Janet to update the record accordingly. We will return to computer program claim later, but please also confirm: did the Hagens also author the text that you included on the original application, or should "text" be removed from the registration?

It was the photographs and the computer code related to the photographs that enabled the latter to present a 360 degree view of the product to a prospective customer. The Hagens also provided text descriptions of the products. That is the extent of the claim. Much of the website code is licensed from a third party (i.e. BigCommerce) and obviously SPSO makes no claims with respect to that.

2) You also confirmed that SELLPOOLSUPPLIESONLINE.COM, LLC was the sole claimant via written agreement with the authors. You authorized Janet to add "by written agreement" to the transfer statement space in the record, which was left blank on the original application.

That's correct we provided Janet a transfer agreement from the Hagens to SPSO transferring all right, title, and interest to the latter. '

B) The signed affidavit that you provided states that the website was completed on June 25, 2014 and published on July 3, 2014. The original application lists the Year of Completion as 2015 and the date of first publication as August 36, 2015. Please confirm that we should update the information on your original

application with that which is provided in the affidavit. Please do note that the copyright notice on the bottom of each webpage submitted as deposit material bears the year 2015.

Yes the information should be updated as per the affidavit. We apologize for the confusion but in the heat of battle our clients don't always gives us the correct information at the onset. We have had to probe quite a bit to figure out who owned what. Initially we were NOT even aware that SPSO had licensed Bigcommerce. That came out as the litigation progressed.

C) The application includes a claim in computer program. You have confirmed that the authors jointly created the code that runs the website, but you do not appear to have submitted the correct deposit for the code. Before we can proceed, we will need a copy of the entire HTML code for the work as first published on July 3, 2014, the new date of first publication provided in the signed affidavit ((See 1006.1(A) HTML Code in the Compendium of Copyright Office Practices, 3)

The HTML code has actually already been submitted. If you do view source on the version that you have you can see ALL the HTML that supports our client's claims. Previously we have submitted websites in this manner because we were requested to do so by the USCO. For example, we would be asked for a mirror of the website that the USCO could run "locally" on one of your devices. We used the same program (HTTrack) to create the mirror this time. The latter is publicly available and captures both the pages (i.e. the screen displays) BUT also the html.

We will also need your authorization to change the claim in "computer program" to "HTML code." The reason for this is that HTML does not constitute source code and is therefore not registered as a computer program. HTML code is a markup language that merely formats the text and files on a webpage in much the same way that the codes in a word processing program format the characters and spaces in a document.

Sure, EXCEPT it is NOT all just HTML, some of it is javascript (e.g. I believe that is what supports that "magic" of making the products rotate 360 degrees). Javascript is most certainly code in the sense that it is a client programming language. In short, as it pertains to the photographs my client is claiming both HTML and CODE.

The attached document includes instructions for uploading the HTML code to your preexisting record.

Please be sure to respond to each part of this message to avoid further delays, and ask any questions. We're almost there!

Please advise, given how I have responded above, whether or not you still need the HTML and Javascript in a separate deposit. I would be happy to attest in the form of an affidavit that it is in fact ALL THERE.

BTW, I don't see any attached document. Perhaps you forgot to attach it or it disappeared in the "bit bucket."

Finally, we appreciate your patience in working with us on this matter. I believe that some things have changed at the USCO from the manner I was accustomed to registering websites and I will be more diligent in the future with respect to compliance with these requirements. It is possible that changes were announced and I just "didn't get the memo;" I accept full responsibility for that!

[Quoted text hidden]



Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

SPSO Website Registration Attention: Agent Janet E. Alger

Copyright Office <cop-rc@loc.gov>
To: cleyva@digitalbusinesslawgroup.com
Cc: jalg@loc.gov

Mon, Nov 21, 2016 at 10:55 AM

Hello,

For ease, I've pulled out the relevant sections of your email - I'll reattach the instructions for uploading the correct deposit material again. Please let me know if they do not come through - I see the attachment in my previous email, so perhaps it did not make it through. It is titled "Directions-new- to UPLOAD etc." Please note that I can offer no exceptions to the deposit requirements. If you cannot provide the correct deposit for the website and the computer program embedded within it, we can either remove the claims in "computer code" from the record and register the text and photographs, or we can refuse the registration.

1) "It was the photographs and the computer code related to the photographs that enabled the latter to present a 360 degree view of the product to a prospective customer. The Hagens also provided text descriptions of the products. That is the extent of the claim. Much of the website code is licensed from a third party (i.e. BigCommerce) and obviously SPSO makes no claims with respect to that."

You state "much of the website code is licensed from a third party." Are you claiming in ANY of the HTML code, then? If the answer is yes, some of the code, then the claim in the HTML code must be limited to only that which the authors named on the application created. The licensed code must be excluded. The way this is achieved on the application is by entering "HTML code licensed by..." Etc. in the Material Excluded from this Claim space.

Perhaps ALL of the code running the actual website is licensed - if you did not intend to register ANY HTML code, then confirm this in your reply. You can still register any computer program they created and embedded in the website, if they are the authors of the source code.

2) "The HTML code has actually already been submitted. If you do view source on the version that you have you can see ALL the HTML that supports our client's claims. Previously we have submitted websites in this manner because we were requested to do so by the USCO. For example, we would be asked for a mirror of the website that the USCO could run "locally" on one of your devices. We used the same program (HTTrack) to create the mirror this time. The latter is publicly available and captures both the pages (i.e. the screen displays) BUT also the html."

I cannot speak to previous registrations or information that you were given. I am only working on this case, and the Deputy Director was quite clear on this point: if you wish to register the HTML code behind the website, you MUST follow the deposit requirements. All further deposit material you supply must have been first published on the date in your affidavit since you have confirmed that the screen shots we received represent the first published version of the work.

Compendium III is concise about the requirements for HTML code for a website:

1010.6(E) HTML Code

To register the HTML code for a website, the applicant must deposit the entire HTML code.

3) "Sure, EXCEPT it is NOT all just HTML, some of it is javascript (e.g. I believe that is what supports that "magic" of making the products rotate 360 degrees). Javascript is most certainly code in the sense that it is a client programming language. In short, as it pertains to the photographs my client is claiming both HTML and CODE."

That's fine – this is considered a computer program contained within a website. Then we'll need the correct deposit for that computer program. Here are the relevant sections from CIII:

1010.6(F) Computer Programs Contained or Embedded Within a Website

To register a computer program that is contained or embedded within a website, the applicant must submit the appropriate deposit material for that type of work. For a discussion of the deposit requirements for computer programs, including derivative computer programs and programs that contain trade secret material, see Chapter 1500, Section 1509.1(C).

Computer programs are ALSO discussed in section 721 of the Compendium, and the deposit requirements are discussed in section 1500. Below is the relevant section from 1500 – please note that I did NOT include the section about derivative computer programs because you have submitted a signed affidavit from your client stating that what you are seeking to register is the first published version of the website,.

1509.1(C)(1) Source Code

To register a claim in a computer program that is not fixed in CD-ROM, the applicant should submit an identifying portion of the source code for the specific version of the program that the applicant intends to register, regardless of whether the program is published or unpublished and regardless of whether the program is fixed in a semiconductor chip, a magnetic tape or disk, or any other storage media. The source code should be submitted either on paper or in an electronic file in a form that is perceptible to the human eye without the aid of a machine or device. See 37 C.F.R. § 202.20(c)(2)(vii).

The applicant may submit the entire source code for the computer program, or in the alternative, the applicant may submit representative portions of the source code. The amount of code that is required varies depending on whether the work is a derivative computer program or whether the program contains trade secret material. These issues are discussed in Sections 1509.1(C)(2) through 1509.1(C)(4) below.

In all cases, applicants should add the title and version number of the program to the first page of the code. This helps the Registration Program determine whether the version described in the application matches the version shown in the identifying material. To help staff determine whether a sufficient amount of code has been submitted, applicants may insert page numbers on each page of source code where applicable.

The applicant does not need to provide the total number of lines of source code that appear in the program. However, if there are inconsistencies in the identifying material, such as missing page numbers or gaps between the line numbers for the source code, a member of the Registration Program may communicate with the applicant to determine whether the deposit is complete.

See H.R. REP. NO. 94-1476, at 153 (1976), reprinted in 1976 U.S.C.C.A.N. 5659, 5769 (authorizing the Register of Copyrights to “allow or require deposit of print-outs of computer programs under certain circumstances”); see also Registration of Claims to Copyright Deposit Requirements for Computer Programs Containing Trade Secrets and for Computer Screen Displays, 54 Fed. Reg. 13,173, 13,174-75 (Mar. 31, 1989).

[THREAD ID: 1-1UMR8DT]

—Original Message—

From: cleyva@digitalbusinesslawgroup.com

Sent: 11/17/2016 3:55:47 PM

To: Copyright Office <cop-rc@loc.gov>

Cc: jalg@loc.gov

Subject: Re: SPSO Website Registration Attention: Agent Janet E. Alger

[Quoted text hidden]



Directions-new- to UPLOAD etc.doc
30K



Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

SPSO Website Registration Attention: Agent Janet E. Alger

Carlos Leyva <cleyva@digitalbusinesslawgroup.com>

Mon, Nov 21, 2016 at 2:01 PM

To: Copyright Office <cop-rc@loc.gov>

Cc: jalg@loc.gov, Martin Gwynn <mfgwynn@tampabay.rr.com>, John Nelson <jnelson@digitalbusinesslawgroup.com>, Linda McAleer <linda@lindamcaleer.com>

[THREAD ID:1-1UMR8DT]

Ms Alger,

My client is no longer interested in registering the code therefore I believe there is ***no need for a separate deposit***. Please confirm.

We are obviously still interested in registering the website as is with the current deposit and the with modifications to the application already agreed to.

I believe there should be no additional outstanding questions, but if there are I am more than happy to address them ASAP.

Regards,

Carlos Leyva, Esq.
The Digital Business Law Group, P.A.
www.digitalbusinesslawgroup.com
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Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Taylor Clay

Acting United States Register of Copyrights and Director

Registration Number

TX 8-268-803

Effective Date of Registration:

September 16, 2015

Title

Title of Work: SPSO Website www.poolandspapartsnow.com

Completion/Publication

Year of Completion: 2014
 Date of 1st Publication: July 03, 2014
 Nation of 1st Publication: United States

Author

- Author: Aaron Hagen
 Author Created: text, photographs
- Author: David Hagen
 Author Created: text, photographs

Copyright Claimant

Copyright Claimant: SELLPOOLSUPPLIESONLINE.COM, LLC
 2885 N NEVADA STE 160, CHANDLER, AZ, 85225, United States
 Transfer statement: by written agreement

Limitation of copyright claim

New material included in claim: text, photographs

Rights and Permissions

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Date: September 13, 2015

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Registration #: TX0008268803
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