

# Best Edition

## of Published Copyrighted Works for the Collections of the Library of Congress

When you submit a copyright registration or comply with the mandatory deposit provision in the copyright law for a U.S. work published in multiple editions or formats, you may be required to submit the “best edition” of your work. If your work is published in two or more of the formats listed in this circular, you must submit the format of highest quality.

When you register your published work or comply with the mandatory deposit requirement, you must submit copies of your work consistent with Copyright Office regulations. In certain situations, those copies must comply with the requirement to deposit the “best edition” of a work from among multiple editions of the work available at the time of registration. The law defines “best edition” as “the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.”<sup>1</sup> In general, a work is published when an authorized copy is sold or offered for distribution to the public.

The criteria used to identify the best edition for a particular work are listed in the Best Edition Statement. It is responsibility of the copyright owner to identify the “best edition” that exists at the time of submission.

If your work was first published outside the United States, you may submit the work either as first published or the best edition. A work simultaneously published within and outside the United States is considered first published in the United States. For more information, see [chapter 1500](#), section 1511.4 of the *Compendium of U.S. Copyright Office Practices*.

The best edition requirement does not apply to all deposits. In particular, the following types of works are exempt from the best edition requirement:

- Unpublished works
- Works published solely in editions or formats not listed in the Best Edition Statement
- Most works that are published only online

A work exempt from the best edition requirement is not exempt from the deposit requirements for copyright registration. For more information about the deposit requirements for registration, see *Copyright Registration (Circular 2)*.

It is the responsibility of the copyright owner to identify the “best edition” that exists at the time of submission. To identify the best edition of a particular work, consult the criteria in the Best Edition Statement below. The “best” edition generally will be the highest quality edition that is publicly circulated. Under Copyright Office regulations, when “judging quality, the Library of Congress will adhere to the criteria set forth [in the Best Edition Statement] in all but exceptional cases.” For example, if both a digital and a physical edition of a work were published before the date of the deposit, the physical edition should be submitted.

**NOTE:** An owner need not create a new edition of a work solely to comply with the best edition requirement. Whatever edition was published in the United States at the time of deposit is the version that should be submitted. Likewise, if there are multiple editions of a work, but none of those editions are listed on the Best Edition Statement, you may submit any published edition that exists as of the date the claim is filed.

Under certain circumstances, the Copyright Office may grant a written request for special relief from the best edition requirement. For more information about special relief, see **chapter 1500**, section 1511.9, of the *Compendium of U.S. Copyright Office Practices*.

## Best Edition Statement

### I Printed Textual Matter

- A. Paper, Binding, and Packaging
  - 1. Archival-quality rather than less-permanent paper
  - 2. Hard cover rather than soft cover
  - 3. Library binding rather than commercial binding
  - 4. Trade edition rather than book club edition
  - 5. Sewn rather than glue-only binding
  - 6. Sewn or glued rather than stapled or spiral-bound
  - 7. Stapled rather than spiral-bound or plastic-bound
  - 8. Bound rather than looseleaf, except when future looseleaf insertions are to be issued. In the case of looseleaf materials, this includes the submission of all binders and indexes when they are part of the unit as published and offered for sale or distribution. Additionally, the regular and timely receipt of all appropriate looseleaf updates, supplements, and releases, including supplemental binders issued to handle these expanded versions, is part of the requirement to properly maintain these publications.
  - 9. Slip-cased rather than non-slip-cased
  - 10. With protective folders rather than without (for broadsides)
  - 11. Rolled rather than folded (for broadsides)
  - 12. With protective coatings rather than without (except broadsides, which should not be coated)
- B. Rarity
  - 1. Special limited edition having the greatest number of special features
  - 2. Other limited edition rather than trade edition
  - 3. Special binding rather than trade binding

- C. Illustrations
  - 1. Illustrated rather than unillustrated
  - 2. Illustrations in color rather than black and white
- D. Special Features
  - 1. With thumb notches or index tabs rather than without
  - 2. With aids to use, such as overlays and magnifiers, rather than without
- E. Size
  - 1. Larger rather than smaller sizes. (Except that large-type editions for the partially sighted are not required in place of editions employing type of more conventional size.)

### II Photographs

- A. Size and finish, in descending order of preference
  - 1. The most widely distributed edition
  - 2. 8" by 10" glossy print
  - 3. Other size or finish
- B. Unmounted rather than mounted
- C. Archival-quality rather than less-permanent paper stock or printing process

### III Motion Pictures

Film medium is considered a better quality than any other medium. The formats under "film" and "video formats" are listed in descending order of preference.

- A. Film
  - 1. Preprint material by special arrangement
  - 2. 70mm positive print, if original production negative is greater than 35mm
  - 3. 35mm positive prints
  - 4. 16mm positive prints
- B. Videotape formats
  - 1. Betacam SP
  - 2. Digital Beta (Digibeta)
  - 3. DVD
  - 4. VHS cassette

#### IV Other Graphic Matter

- A. Paper and Printing
  - 1. Archival quality rather than less-permanent paper
  - 2. Color rather than black and white
- B. Size and Content
  - 1. Larger rather than smaller size
  - 2. In the case of cartographic works, editions with the greatest amount of information rather than those with less detail
- C. Rarity
  - 1. The most widely distributed edition rather than one of limited distribution
  - 2. In the case of a work published only in a limited, numbered edition, one copy outside the numbered series but otherwise identical
  - 3. A photographic reproduction of the original, by special arrangement only
- D. Text and Other Materials
  - 1. Works with annotations, accompanying tabular or textual matter, or other interpretative aids rather than those without them
- E. Binding and Packaging
  - 1. Bound rather than unbound
  - 2. If editions have different binding, apply the criteria in I.A.2–I.A.7, above.
  - 3. Rolled rather than folded
  - 4. With protective coatings rather than without

#### V Phonorecords

- A. Compact digital disc rather than vinyl disc
- B. Vinyl disc rather than tape
- C. With special enclosures rather than without
- D. Open-reel rather than cartridge
- E. Cartridge rather than cassette
- F. Quadraphonic rather than stereophonic
- G. True stereophonic rather than monaural
- H. Monaural rather than electronically rechanneled stereo

#### VI Musical Compositions

- A. Fullness of Score
  - 1. Vocal music
    - a. With orchestral accompaniment —
      - i. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)
      - ii. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)
    - b. Unaccompanied: Open score (each part on separate staff) rather than closed score (all parts condensed to two staves)
  - 2. Instrumental music
    - a. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)
    - b. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)
- B. Printing and Paper
  - 1. Archival-quality rather than less-permanent paper
- C. Binding and Packaging
  - 1. Special limited editions rather than trade editions
  - 2. Bound rather than unbound
  - 3. If editions have different binding, apply the criteria in I.A.2–I.A.12, above.
  - 4. With protective folders rather than without

## VII Microforms

- A. Related Materials
  - 1. With indexes, study guides, or other printed matter rather than without
- B. Permanence and Appearance
  - 1. Silver halide rather than any other emulsion
  - 2. Positive rather than negative
  - 3. Color rather than black and white
- C. Format (newspapers and newspaper-formatted serials)
  - 1. Reel microfilm rather than any other microform
- D. Format (all other materials)
  - 1. Microfiche rather than reel microfilm
  - 2. Reel microfilm rather than microform cassettes
  - 3. Microfilm cassettes rather than microopaque prints
- E. Size
  - 1. 35mm rather than 16mm

## VIII Machine-Readable Copies

- A. Computer Programs
  - 1. With documents and other accompanying material rather than without
  - 2. Not copy-protected rather than copy-protected (if copy-protected, then with a backup copy of the disk(s))
  - 3. Format
    - a. PC-DOS or MS-DOS (or other IBM-compatible formats, such as XENIX)
      - i. 5¼" diskette(s)
      - ii. 3½" diskette(s)
      - iii. Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.
    - b. Apple Macintosh
      - i. 3½" diskette(s)
      - ii. Optical media such as CD-ROM—best edition should adhere to prevailing NISO standards.

- B. Computerized Information Works, Including Statistical Compendia, Serials, or Reference Works
  - 1. With documentation and other accompanying material rather than without
  - 2. With best edition of accompanying program rather than without
  - 3. Not copy-protected rather than copy-protected (if copy-protected, then with a backup copy of the disk(s))
  - 4. Format
    - a. PC-DOS or MS-DOS (or other IBM-compatible formats, such as XENIX)
      - i. Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.
      - ii. 5¼" diskette(s)
      - iii. 3½" diskette(s)
    - b. Apple Macintosh
      - i. Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.
      - ii. 3½" diskette(s)

**NOTE:** The best-edition requirement for machine-readable copies applies only to copies submitted to the Library of Congress under section 407 of the copyright law, which addresses mandatory deposit. It does not apply to deposits submitted for registration of claims to copyright.

## IX Electronic-Only Works Published in the United States and Available Only Online

The following encodings are listed in descending order of preference for all deposits in all categories below:

- 1. UTF-8.
  - 2. UTF-16 (with BOM).
  - 3. US-ASCII.
  - 4. ISO 8859.
  - 5. All other character encodings.
- A. Electronic-Only Serials:
    - 1. Content Format:

- a. Serials-specific structured/markup format:
    - i. Content compliant with the NLM Journal Archiving (XML) Document Type Definition (DTD), with presentation stylesheet(s), rather than without NISO JATS: Journal Article Tag Suite (NISO Z39.96-201x) with XSD/XSL presentation stylesheet(s) and explicitly stated character encoding.
    - ii. Other widely used serials or journal XML DTDs/schemas, with presentation stylesheet(s), rather than without.
    - iii. Proprietary XML format for serials or journals (with documentation), with DTD/schema and presentation stylesheet(s), rather than without.
  - b. Page-oriented rendition:
    - i. PDF/UA (Portable Document Format/Universal Accessibility; compliant with ISO 14289-1).
    - ii. PDF/A (Portable Document Format/Archival; compliant with ISO 19005).
    - iii. PDF (Portable Document Format, with searchable text, rather than without; highest quality available, with features such as searchable text, embedded fonts, lossless compression, high resolution images, device-independent specification of colorspace; content tagging; includes document formats such as PDF/X).
  - c. Other structured or markup formats:
    - i. Widely-used serials or journal non-proprietary XML-based DTDs/schemas with presentation stylesheet(s).
    - ii. Proprietary XML-based format for serials or journals (with documentation) with DTD/schema and presentation stylesheet(s).
    - iii. XHTML or HTML, with DOCTYPE declaration and presentation stylesheet(s).
    - iv. XML-based document formats (widely used and publicly documented). With presentation stylesheets, if applicable. Includes ODF (ISO/IEC 26300) and OOXML (ISO/IEC 29500).
  - d. PDF (web-optimized with searchable text).
  - e. Other formats:
    - i. Rich text format.
    - ii. Plain text.
    - iii. Widely-used proprietary word processing or page-layout formats.
    - iv. Other text formats not listed here.
2. Metadata Elements: If included with published version of work, descriptive data (metadata) as described below should accompany the deposited material:
    - a. Title level metadata: serial or journal title, ISSN, publisher, frequency, place of publication.
    - b. Article level metadata, as relevant/or applicable: volume(s), number(s), issue dates(s), article title(s), article author(s), article identifier (DOI, etc.).
    - c. With other descriptive metadata (e.g., subject heading(s), descriptor(s), abstract(s)), rather than without.
  3. Completeness:
    - a. All elements considered integral to the publication and offered for sale or distribution must be deposited—e.g., articles, table(s) of contents, front matter, back matter, etc. Includes all associated external files and fonts considered integral to or necessary to view the work as published.
    - b. All updates, supplements, releases, and supersessions published as part of the work and offered for sale or distribution must be deposited and received in a regular and timely manner for proper maintenance of the deposit.

4. Technological measures that control access to or use of the work should be removed.
- B. Electronic-Only Books:
1. Content Format:
    - a. Book-specific structured/markup format, i.e., XML-based markup formats, with included or accessible DTD/schema, XSD/XSL presentation stylesheet(s), and explicitly stated character encoding:
      - i. BITS-compliant (NLM Book DTD).
      - ii. EPUB-compliant.
      - iii. Other widely-used book DTD/schemas (e.g., TEI, DocBook, etc.).
    - b. Page-oriented rendition:
      - i. PDF/UA (Portable Document Format/Universal Accessibility; compliant with ISO 14289-1).
      - ii. PDF/A (Portable Document Format/Archival; compliant with ISO 19005).
      - iii. PDF (Portable Document Format; highest quality available, with features such as searchable text, embedded fonts, lossless compression, high resolution images, device-independent specification of colorspace; content tagging; includes document formats such as PDF/X).
    - c. Other structured markup formats:
      - i. XHTML or HTML, with DOCTYPE declaration and presentation stylesheet(s).
      - ii. XML-based document formats (widely-used and publicly-documented), with presentation style sheet(s) if applicable. Includes ODF (ISO/IEC 26300) and OOXML (ISO/IEC 29500).
      - iii. SGML, with included or accessible DTD.
      - iv. Other XML-based non-proprietary formats, with presentation stylesheet(s).
      - v. XML-based formats that use proprietary DTDs or schemas, with presentation stylesheet(s).
  2. Metadata Elements: If included with published version of work, descriptive data (metadata) as described below should accompany the deposited material:
    - a. As supported by format (e.g., standards-based formats such as ONIX, XMP, MODS, or MARCXML either embedded in or accompanying the digital item): title, creator, creation date, place of publication, publisher/producer/distributor, ISBN, contact information.
    - b. Include if part of published version of work: language of work, other relevant identifiers (e.g., DOI, LCCN, etc.), edition, subject descriptors, abstracts.
  3. Rarity and Special Features:
    - a. Limited editions (including those with special features such as high resolution images.)
    - b. Editions with the greatest number of unique features (such as additional content, multimedia, interactive elements.)
  4. Completeness:
    - a. For items published in a finite number of separate components, all elements published as part of the work and offered for sale or distribution must be deposited. Includes all associated external files and fonts considered integral to or necessary to view the work as published.
    - d. PDF (web-optimized with searchable text).
    - e. Other formats:
      - i. Rich text format.
      - ii. Plain text.
      - iii. Widely-used proprietary word processing or page-layout formats.
      - iv. Other text formats not listed here.

- b. All updates, supplements, releases, and supersessions published as part of the work and offered for sale or distribution must be submitted and received in a regular and timely manner for proper maintenance of the deposit.
5. Technological Protection Measures:
- a. Copies published in formats that do not contain technological measures controlling access to or use of the work.
  - b. Copies published with technological measures that control access to or use of the work, and for which the owner has elected to remove such technological measures.
  - c. Copies otherwise provided in a manner that meets the requirements of §202.24(a)(5).

#### **X Works Existing in More Than One Medium**

Editions are listed below in descending order of preference.

- A. Newspapers, dissertations and theses, newspaper-formatted serials
  - 1. Microform
  - 2. Printed matter
- B. All other materials
  - 1. Printed matter
  - 2. Microform
  - 3. Phonorecord

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#### **NOTES**

1. This circular is intended as an overview of the best edition requirement. 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, [www.copyright.gov](http://www.copyright.gov).
2. The Best Edition Statement is codified in **Appendix B to Part 202** of the Copyright Office's regulations.



## **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

