



# Questionnaire for Secure Tests and Questions, Answers, and Other Items Prepared for Use in Secure Tests

The U.S. Copyright Office has established two special accommodations for examining and registering the copyrightable authorship in a secure test. These procedures are meant to protect the confidential nature of these works. The first permits the registration of a discrete secure test consisting of a fixed set of test questions, answers, and other material. The other permits the registration of groups of test items that have been prepared for use in a secure test. This procedure is known as the “group registration option for secure test items” or “GRSTQ.” It provides a secure means for examining individual test items that are stored in a database, test bank, or other storage medium. For purposes of registration, a test item comprises a question (or “stem”), the correct answer to that question, any incorrect answer choices (or “distractors”), and any associated material, such as a narrative passage or diagram.

Under both procedures, applicants submit an online application and filing fee and upload a completed questionnaire and a redacted copy of the work(s) being registered. If the secure test or the group of test items is scheduled for an examination appointment, applicants must present a redacted and unredacted copy of the actual test or the actual test items to the Office and must pay the examination fee. For detailed instructions, see *Copyright Registration of Secure Tests and Test Items* ([Circular 64](#)).

The Office cannot determine if a work is eligible for an examination appointment until you submit an online application, pay the fee, upload a completed questionnaire, and upload a redacted copy of the entire test or the entire group of test items being registered. If you do not submit these materials through the electronic registration system, or if you file a paper application rather than an online application, we cannot consider your claim.

## Eligibility Requirements for Registration of Discrete Secure Tests

The special procedure for discrete secure tests only applies to tests consisting of a fixed set of test questions, answers, and other material that are administered under supervision at specified centers on scheduled dates where all copies of the test are accounted for and either destroyed or returned to restricted locked storage or secure electronic storage following each administration. See [37 CFR § 202.13\(b\)](#). A set of test items that are stored in – or pulled from – a database or test bank may be considered a secure test, but only if the set represents an actual test that is administered to test takers.

The Office created this special procedure due to the need for heightened security for certain types of standardized tests. While all tests entail concerns about security, only a fraction of tests qualify as secure tests under the regulatory definition. The Office reserves discretion to determine whether any particular test meets all of the eligibility requirements for this special procedure.

Applicants that qualify for the secure test procedure must present a complete, unredacted copy of the actual test to the Office so that it may be examined for copyrightable authorship. Instructional materials for individuals that administer or proctor a secure test may not be eligible for this procedure.

You must file a separate application, pay a separate fee, and upload a separate questionnaire for each test being registered. When registering multiple tests or multiple versions of the same secure test, you must submit a separate application, fee, and questionnaire for each work. For examples that illustrate these requirements, see *Copyright Registration of Secure Tests and Test Items* ([Circular 64](#)).

Registration for a discrete secure test generally covers the authorship involved in creating the test as a whole. In other words, it may cover the compilation authorship involved in selecting, coordinating, and arranging the individual items that make up the test, if the selection, coordination, and/or arrangement of those items is sufficiently creative. The registration also may cover the individual test items, but only if the copyright claimant owns all of the exclusive rights in those items, and if they have not been previously published or previously registered.

When examining a secure test, the examiner will review the test as a whole to determine if it contains a sufficient amount of creative expression. To assert a claim in this type of authorship you should state “compilation of test items” in the “Author Created” field. In addition to the compilation claim, you may assert a claim in the individual questions by checking the box marked “text” or by stating “test items” in the field marked “Other.” If you want to register a revised version of a preexisting test, you may state “revised compilation of test items” in the “Author Created” and “New Material Included” fields.

### **Works That May Be Eligible For the Group Registration Option for Secure Test Items**

The group registration option for secure test items may only be used to register individual test items that have been prepared for use in a secure test. The items may be prepared for use in the same secure test or in multiple versions of the same test. But to be clear, the group itself is not considered a secure test or a compilation of test items.

You must file a separate application, pay a separate fee, and upload a separate questionnaire for each group of test items. Applicants that qualify for the group registration option must present a complete, unredacted copy of the actual test items to the Office so that they may be examined for copyrightable authorship.

To assert a claim in each item, you may state “text” or “test items” in the “Author Created” field. If the items have been updated or revised, you may state “revised test items” in the “Author Created” and “New Material Included” fields. When examining these claims, the examiner will review each individual item to determine if it contains a sufficient amount of creative expression. If any of the items are insufficiently creative, the examiner will ask you to exclude them from the claim. If you decline to exclude those items, the examiner will refuse to register the entire claim. A group registration for secure test items does not cover the authorship (if any) involved in selecting, coordinating, and/or arranging the individual items within a particular test or a particular database or test bank. Therefore, claims in the “compilation of test items” or the “selection, coordination, and/or arrangement of test items” will not be permitted on the application.

If the claim is approved, the registration will individually cover each test item, and each item will be registered as a separate work.

#### **Please select ONE of the following options:**

Click here if you are registering a secure test. Then complete Questionnaire A on page 3

Click here if you are registering a group of individual test items stored in a database or test bank that were prepared for use in a secure test. Then complete Questionnaire B on page 4.

**IMPORTANT NOTE:** Do not check both boxes and do not complete both sets of questions. If you do, the examiner will contact you to determine if you intend to register a secure test or a group of individual test items, which will delay the examination of your claim.

## QUESTIONNAIRE A: For Registering One Secure Test

1. Does your test qualify as a discrete **secure test** consisting of a fixed set of test questions, answers, and other material under the Copyright Office's regulations?

☐ Yes ☐ No

2. Is your test a nonmarketed test?

*A test is nonmarketed if copies of the test are not sold, but instead are distributed and used in such a manner that the test sponsor or publisher retains ownership and control of copies.*

☐ Yes ☐ No

3. Is your test administered under supervision?

*A test is administered under supervision if test proctors or the equivalent supervise the administration of the test.*

☐ Yes ☐ No

4. Is your test administered at specified centers?

*A specified center is defined as a physical location where the test is administered to a number of test takers. An IP address or the test taker's residence does not qualify as a specified center.*

☐ Yes ☐ No

5. Is your test administered under secure conditions on scheduled dates?

☐ Yes ☐ No

6. Are specific dates announced for the administration of this test at specified centers?

☐ Yes ☐ No

7. Was the test normally administered at specified centers prior to May 8, 2020?

☐ Yes ☐ No

*If the answer to this question is "Yes," proceed to question 8. If the answer is "No," proceed to question 9.*

8. If this test is now being administered online instead of being administered at specified centers, does the test administrator employ measures to maintain the security and integrity of the test that it reasonably determines to be substantially equivalent to the security and integrity provided by in-person proctors?

☐ Yes ☐ No

9. Are all copies of the secure test accounted for and assembled, stored, and delivered in a secure fashion?

☐ Yes ☐ No

10. If the test is administered with physical booklets, are the copies either destroyed or returned to restricted locked storage following each administration?

☐ Yes ☐ No

11. What is the title of this test?

12. Do all of the test takers receive identical copies of the test?

☐ Yes ☐ No

13. If the copies are not identical, do the copies contain the same questions rearranged in a different order?

☐ Yes ☐ No

**14. Is this a multi-part test?**

☐ Yes    ☐ No

**15. If so, what is the title for each part of the test?**

**16. Does each part of the test cover the same subject or different subjects?**

☐ the same subject    ☐ different subjects

**17. Is your test administered with physical booklets?**

☐ Yes    ☐ No

**18. Does the test contain multiple booklets?**

☐ Yes    ☐ No

**19. If so, how many booklets are included within the test?**

**20. What is the title of each booklet?**

**21. Is your test administered with computers or other electronic devices?**

☐ Yes    ☐ No

**22. Did you upload a redacted copy of the entire test to the electronic registration system?  
(See [Circular 64](#) for examples of an acceptable submission.)**

☐ Yes    ☐ No

## QUESTIONNAIRE B: For a Group Registration of Secure Test Items

1. Were the test items prepared for use in a secure test?

☐ Yes    ☐ No

2. If so, what is the title of the secure test where these items have been used or will be used?

3. Does the test identified in your response to Question 1 qualify as a **secure test** under the Copyright Office's regulations?

☐ Yes    ☐ No

4. Is your test a nonmarketed test?

*A test is nonmarketed if copies of the test are not sold, but instead are distributed and used in such a manner that the test sponsor or publisher retains ownership and control of copies.*

☐ Yes    ☐ No

5. Is your test administered under supervision?

*A test is administered under supervision if test proctors or the equivalent supervise the administration of the test.*

☐ Yes    ☐ No

6. Is your test administered at specified centers?

**14.** Are the items stored in a secure manner?

☐ Yes    ☐ No

**15.** How many test items do you intend to register?

**16.** Did you upload a redacted copy of each test item to the electronic registration system?  
(See [Circular 64](#) for examples of an acceptable submission.)

☐ Yes    ☐ No

**17.** Did you number the test items?

☐ Yes    ☐ No