



January 12, 2009

Ms. Cynthia Harvey-Pryor
Management Analyst and VHA OMB Liaison
VHA Publications and Records Management (19E1)
Department of Veterans Affairs
810 Vermont Avenue NW, Room 371D
Washington DC 20420

Re: Copyright of uSPEQ[®] Consumer Experience Survey

Dear Ms. Cynthia Harvey-Pryor:

The uSPEQ[®] Consumer Experience Survey is a protected work under the Copyright Act, and the Commission on Accreditation of Rehabilitation Facilities (CARF) is the copyright owner.

While the work is not currently registered with the United States Copyright Office, registration is not required for the copyright owner to claim the exclusive rights comprised in a copyright. *See 17 U.S.C. §101, et. seq.; see also, Circular 1, U.S. Copyright Office, July 2008, at p. 3¹.* Copyright protection attaches immediately upon creation of the work. *See 17 U.S.C. §302(a), (c)²; see also, 17 U.S.C. §101³.*

In the event CARF and the Department of Veterans Affairs (VA) finalize a contract or contract modification regarding VA subscription to uSPEQ[®], CARF will grant the VA permission to use the uSPEQ[®] Consumer Experience Survey.

Please contact me if you have any questions regarding the foregoing.

Sincerely,

Darren M. Lehrfeld
Chief Accreditation Officer
and General Counsel

¹ "No publication or registration or other action in the Copyright Office is required to secure copyright."

² "Copyright in a work created on or after January 1, 1978, subsists from its creation and . . . endures for a term of 95 years from the year of its first publication, or a term of 120 years from the year of its creation, whichever expires first."

³ "A work is 'created' when it is fixed in a copy or phonorecord for the first time; where a work is prepared over a period of time, the portion of it that has been fixed at any particular time constitutes the work as of that time, and where the work has been prepared in different versions, each version constitutes a separate work."