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David G. Dunning University of Nebraska Medical Center, ddunning@unmc.edu

Patrick Anderson University of Nebraska Medical Center

Daniel Ellingson University of Nebraska Medical Center

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#### **Special Communication**

# A Preliminary Study of Staff Meetings as Viewed by Dental Hygienists

David G. Dunning a, Patrick Anderson b, Daniel Ellingson b

### <sup>a</sup> Professor, College of Dentistry, University of Nebraska Medical Center, Lincoln, NE, USA.

<sup>b</sup> Fourth Year Dental Student, University of Nebraska Medical Center, Lincoln, NE, USA.

#### Correspondence to:

David G. Dunning

College of Dentistry, University of Nebraska Medical Center, 40th and Holdrege Sts., Lincoln, NE 68583-0740, USA. Tel: +1-402-472-1325

ddunning@unmc.edu

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#### **Abstract**

Staff meetings in general dental practices represent what is believed to be a key management strategy to build teams and to enhance efficiency and effectiveness. However, very little research has been done regarding staff meetings in dental offices. This study examined staff meetings from the viewpoint of dental hygienists who grow in unique careers in that they work largely independently of the dentist and yet typically within a dental practice while providing patient care and education. One-hundred-six dental hygienists completed a survey about staff meetings in dental offices. Key findings include: only approximately 43% of dental offices conduct morning huddles to get the day off to a smooth and organized start, 72% of dental practices conduct longer staff meetings with largely positive outcomes, including increasing practice efficiency and productivity, few practices (12%) hold specific meetings only for the hygiene-department (and probably thereby miss some opportunities for practice improvement), the most important variable by far to hygienists' job satisfaction is respect from the owner-dentist, and there exists an important and synergistic relationship among job satisfaction, relationships with other staff and relationship with the owner-dentist.

Key words: Staff, Hygienists; Dental; Practice Management; Leadership; Administration; Job Satisfaction; Meetings.

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#### Introduction

Staff meetings are an integral, yet potentially underutilized management strategy in many dental practices throughout the country. Staff meetings promote team unity, better efficiency and productivity, stronger relationships, enable better conflict resolution, and create opportunity for growth and development of team members and the practice as a whole. Team members learn leadership skills that enable better collaboration between members and delegation of responsibilities, which can lead to better employee satisfaction and lower turnover.

A review of the literature concerning staff meetings reveals many advice or suggestion articles but very few scientific and statistically relevant articles. In 1995 Dunning, Lange, and Christrup researched staff meetings as perceived by dental assistants [1]. They wrote one of the first research articles to elucidate findings about the number, purposes and ratings of staff meetings in dental offices from the perspective of dental assistants.

A study was conducted by Johns et al. to discover the factors of career retention for hygienists in Texas [2]. They discovered that, while salary and family responsibility were the biggest factors in retention, increased and effective communication along with participation in decisionmaking were also very important factors to their retention. Conversely, they discovered that the lack of participation in decision-making, lack of collaboration with their employer, and lack of respect were major factors in their decision to leave their current office.

A review of the "advice" articles identified these attributes as most critical to the success of staff meetings [3-9]:

- Having weekly or monthly sit-down staff meetings (1-2 hours)
- Having daily morning stand-up meetings (less than 15 min)
- 3. Establishing a clear vision through use of written agendas
- 4. Punctuality start and end on time every time
- 5. Involving the entire staff in the meeting
- Provide a respectful "safe" atmosphere for everyone involved; all employees should feel free to express their opinions
- 7. Positive feedback and encouragement to staff members
- Designating and rotating the facilitators of the meetings

- Setting goals for the practice and establishing accountability for them
- 10. No interruptions, titles, or privileges for anyone at the meeting
- 11. Take meeting notes and provide staff means to take their own notes

Some of the benefits of effective staff meetings include [10-12]:

- 1. Reduction in turnover
- Improved overall efficiency and productivity
- 3. Building a team mentality
- 4. Positive handling of conflicts
- Continuous learning and improvement

It is easy to see why effective staff meetings would be beneficial to the employees that work directly with the dentist, such as the dental assistant, receptionist, or office manager. However, we aimed to find out how staff meetings are perceived by hygienists, an employee who devotes most of his/her day working independently of the dentist.

#### Methods

The purpose of the study was to gain insight on staff meetings as perceived by dental hygienists. As a vital dental team member devoting most of his/her day working independently of the dentist, we

sought to answer basic research questions about staff meetings as seen by dental hygienists, including how many hygienists participate in staff meetings, what kinds of meetings are being held, and the effectiveness of staff meetings as viewed by hygienists.

A proposal was submitted to our Institutional Review Board (IRB) in October of 2010, including a draft survey that was refined using the Dunning, Lange and Christrup survey in 1995 [1]. After modifying some of the research methods and survey content, IRB approval was granted in December 2010 to proceed with the project (IRB #618-10-EX). We utilized two archival data banks to obtain email addresses from alumni of our college's dental hyjgiene bachelorette program: alumni records from our administration's data base; and alumni records from a faculty member who publishes an alumni directory approximately every decade. these records we secured 437 email addresses of dental hygienists. Using the Qualtrics web-based program for administering surveys [13], a series of three email invitations were sent to the 437 hygiene Twenty-four emails addresses alumni. were undeliverable, reducing the available sample to 413. One hundred-six respondents ultimately completed the survey, a response rate of 25.7% (106 of 413).

#### Results

Descriptive statistics were primarily employed to analyze the data using Qualtrics. For ease of presentation, percentages were rounded to the nearest whole number and scaled data were rounded to a single decimal. Qualitative responses were content-analyzed for themes. Additionally, post-hoc tests using chi-square proportions were employed to explore potentially significant relationships regarding job satisfaction, relationships with other staff members and relationships with the owner-dentist.

Women comprised 99% of the respondents, with 89% working in general dental practices (89%), mostly one-dentist offices (53%) with six or more total full-time equivalent staff members (57%) and having an office manager (75%). A majority of 61% of the hygienists had worked for 3 or more years in their practices. Fortythree percent of offices held morning huddles, with a vast majority of these (89%) being daily. Extrapolating for this finding, approximately 38% of dental offices hold daily staff meetings (43% x .89). Fifty-six percent of the morning huddles were led by the owner-dentist, although in 28% of practices staff members and the dentist took turns facilitating the morning huddle. On a scale of 1 - 5 with 1 being very unsuccessful and 5 being very successful, hygienists rated huddles at 3.6.

Seventy-two percent of offices offered staff meetings, a longer gathering of approximately 1 - 2 hours. The great majority of staff meetings were conducted monthly (38%) or quarterly (30%). Seventy-seven percent were scheduled and most perceived as organized (67%). Figure 1 presents percentages of respondents indicating the attributes of successful staff The four features with the meetings. highest ratings were: involving the entire staff (89%), providing feedback and encouragement (85%), providing a "safe" environment for everyone (essentially, an open and trusting atmosphere) (78%), and setting practice goals and establishing accountability for them (65%).

Forty-two of those surveyed wrote comments about what should NOT be discussed at staff meetings. Predominately these comments emphasized the need to avoid: personal/individual problems and issues such performance and grievances/complaints, and compensation/benefits. Thirty-five hygienists offered suggestions to improve staff meetings. Most of the suggestions echoed these themes: being organized/having an agenda, making sure all staff are present as well as the dentist, implementing deci-

sions previously made, involving all who are impacted by decisions, being respectful and listening more effectively to each other, and being efficient with time/staying on time.

Figure 2 offers participants views of perceived benefits of staff meetings. Top rated benefits included team-building (89%), improved overall efficiency and productivity (87%) and learning and improvement (79%) and handling of conflict (68%).

How well do staff meetings achieve their purposes? Using the same scale defined earlier (with 1 being very unsuccessful and 5 being very successful), hygienists rated these purposes as follows: encouraging open discussion of issues (3.7), building cohesiveness and morale among staff (3.5), building interpersonal relationships between staff and dentist (3.7), developing ideas and procedures for practice efficiency and productivity (4.0), developing practice goals and objectives (3.7), and discussing the financial conditions of the practice (3.5).

Relatively few offices conduct meetings specifically focused on the hygiene area (12%) in order to track productivity, recall effectiveness, hygiene cancellations, and so forth, though the rating of successfulness of such meetings was high at 3.9

for practices utilizing them. Similarly, only 17% of offices sponsor retreats/seminars with a length of an afternoon, evening or weekend, with relatively moderate ratings of success at 3.4.

When queried about what factors rank the highest in terms of importance to job satisfaction, the clear "winner" was "Respect" (ranked at 1.4 with 1 being the highest), followed by distant-placed increased and effective communication (3.7), collaboration with employer (4.1), independence to address patient care (4.1), salary (4.1), and participation in decision-making (4.3).

On a scale of 1 to 5, with 5 being very satisfied, hygienists rated their job satisfaction at 3.9. On a scale of 1 being not meeting expectations, 2 being meeting expectations and 3 being exceeding expectations, hygienists rated relationships with other staff and relationship with the owner dentist at 2.3 and 2.2, respectively. Viewed from another perspective, 88% of respondents viewed their relationship expectations with other staff as met or exceeded, and 83% rated their relationship expectations with the dentist met or exceeded.

Follow-up Chi-square proportional tests revealed these significant associations between overall job satisfaction and relationships with staff (Chi-square = 24.4, p < .001) and relationship with the owner-dentist (Chi-square = 55.6, p < .001). A similar significant outcome resulted when comparing relationships with staff and with the owner-dentist (Chi-square = 27.0, p < .001). All of these statistically significant results were in the expected direction-namely, higher ratings in one category disproportionately appeared in higher ratings in the other variable. So, for example, hygienists who enjoyed higher job satisfaction also rated higher their rela-

tionships with staff. Additional Chisquare tests analyzing the relationships between these paired variables did not reveal any statistically significant outcomes: morning huddle (Yes/No) and staff meetings (Yes/No) and ratings of job satisfaction, ratings of relationships with other staff, and relationship with owner dentist. The relationship between staff meetings and ratings of staff relationships did yield a probability level of .08 (tending toward higher ratings for offices with staff meetings).

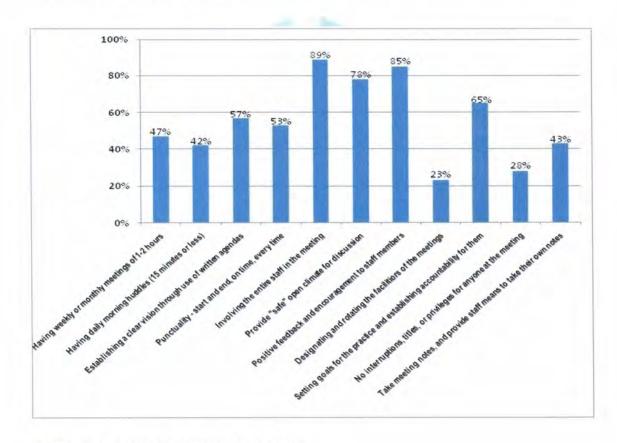


Figure. 1 Attributes of a Successful Staff Meeting.

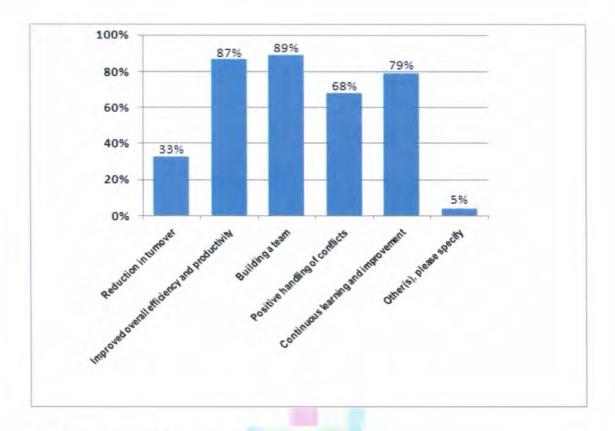


Figure. 2 Benefits of Staff Meetings.

#### Discussion

The findings of this preliminary research point to several key "take-home" messages about dental hygienists and staff meetings. First, only approximately 43% of offices appear to hold morning huddles in spite of recommendations that these be routinely conducted [12,14]. Dental practices may be missing a critical strategy to provide for a more manageable and lower stress work day. Second, hygienists emphasized in written comments that staff

meetings should focus on team/practice issues rather than personal matters. Third, only 12% of dental practices incorporated meetings focusing only on dental hygiene, and yet these meetings had an average rating of 3.9 on a five-point scale. Practices with strategic goals involving more effective and efficient recall systems and hygiene departments (concentrating on hygiene productivity, periodontal and restorative diagnosis, and the hygienist's role in treatment recommendations)

should consider holding hygiene department meetings with a focus on dental hygiene, or at least incorporate hygienespecific performance items on staff meeting agendas.

Fourth, when it comes to ranking key dimensions of job satisfaction, dental hygienists clearly sing the same tune along with Aretha Franklin: "R-E-S-P-E-C-T find out what it means to me." Compared to respect with a 1.7 ranking, the other variables of job satisfaction paled in comparison. This finding parallel's recommendations for keeping staff motivated in a dental office [2,15]. It would be a worthwhile and interesting qualitative study to define how respect is communicated by dentists to hygienists. Fifth, dental hygienists rated their job satisfaction fairly high at 3.9 on a five-point scale and, in general, enjoyed positive relationships with other staff and the dentist. These findings portend positive career experiences among dental hygienists. Lastly, there is clearly a dynamic synergy among three variables: overall job satisfaction, relationships with other staff and relationships with the dentist. Each combination of two of these variables resulted in significant outcomes statistically in the direction expected (higher ratings in one with higher ratings in the other). Practically speaking, the quality of relationships is intimately tied to job satisfaction. Even though the survey was updated, one area deserves mention when comparing the current study to the more extensive study of dental assistant views of staff meetings [1]. Ratings of the success of staff meetings in achieving purposes closely parallel previous findings. In the 1995 study, ratings of the various purposes of staff meetings ranged from 3.5 to 3.9, nearly exactly the same as was found here with a range of 3.5 to 4.0.

Limitations of this preliminary study need to be emphasized. Results should be interpreted with caution due to: 1) the limited number of respondents—106 hygienists, 2) the sample consisting only of graduates from one dental hygiene program, and 3) the sample being limited to only those graduates for whom we could obtain email addresses. Future research would benefit by securing a sufficiently large random sample of dental hygienists from multiple hygiene programs. Such a sample would be necessary to create the statistical power necessary for generalizability.

#### Conclusion

Clearly, staff meetings represent an ongoing management strategy utilized in most dental practices. The most popular meeting type is a 1-2 hours +/- staff meeting (72%), followed by morning huddles (43%), retreats/seminars (17%) and hygiene department meetings (12%). The typical 1-2 hour staff meeting received largely positive ratings by hygienists, ranging from 3.5 to 4.0 in achieving specific purposes. The lower rate of hygiene department meetings may signal a need for more dental practices to incorporate this specific type of meeting to enhance recall programs and hygiene department outcomes or, at a minimum, line-item hyperformance giene department goals/achievement within a larger staff meeting context. Dental hygienists spell job satisfaction essentially with one word: R-E-S-P-E-C-T. Future researchers may find it fruitful to find out for the dental practice community what "respect" means in practical ways to dental hygienists.

#### **Conflicts of interests**

The first author is a coeditor of a textbook, Dental Practice Transition: A Practical Guide to Management, referenced several times in the article. The lead author also has editorial involvement with *Dental Hypotheses*. The first author also edited this special issue of *Dental Hypotheses* though an outside reviewer critiqued this article.

#### Acknowledgements

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#### **Authors' contributions**

- · Main idea: by all authors.
- Literature search: by all authors.
- Data interpretation: by all authors.
- Manuscript preparation: by all authors.
- Data collection: by DE.
- Funds Collection: a subscription to Qualtrics web-based survey--secured by Dr. Dunning based on a professional consultation fund created by placingstudents in associateship positions in the 1990s.

#### References

 Dunning DG, Lange BM, Christrup LM. Staff Meetings as perceived by dental assistants. Gen Dent 1995; 4:270-73.

- Johns GH, Gutmann ME, DeWald JP, Nunn ME. Career retention in the dental hygiene workforce in Texas. J Dental Hyg 2001;75: 135-48.
- Levin RP. Making staff meetings effective. J Am Dent Assoc 2008;139:1126-7.
- Levin, RP. How to build a better team. J Am Dent Assoc 2006;137:896-7.
- 5. Moore V, Castagna D. How to make meetings WORK [Accessed December 5, 2011]. Available from: http://www.dentaleconomics.com/index/display/article-display/276571/articles/dentaleconomics/volume-96/issue-10/features/how-to-make-staff-meetings-work.html
- Twigg T, Boartfield R. What does your staff expect? [Accessed December 5, 2011]. Available from: <a href="http://www.dentaleconomics.com/index/display/article-display/307203/articles/dental-economics/volume-97/issue-9/features/what-does-your-staff-expect.html">http://www.dentaleconomics.com/index/display/article-display/307203/articles/dental-economics/volume-97/issue-9/features/what-does-your-staff-expect.html</a>
- 7. Byers MM. Focusing on staff meetings. CDS Rev 2007:100:16.
- Goldstein AJ. The eleven essentials of effective staff meetings, part 2: getting it together in the name of customer service. Dent Today 2004;23:146-9.
- Goldstein AJ. The Eleven Essentials of Effective Staff Meetings, Part 3. Dent Today 2005;24:102-3.
- Morgan A. Staff meetings that work [Accessed December 5, 2011]. Available from:

- http://www.dentalproductsreport.com/dental/article /staff-meetings-work
- Scarbecz M. Enhancing relationships among dental team members. J Am Dent Assoc 2004;135:1591-6.
- Neumeister D. Staff meetings. In: Dunning DG and Lange BM, editors: Dental Practice Transition: a Practical Guide to Management. Ames, IA: Wiley-Blackwell, 2008:359-84.
- 13. http://www.qualtrics.com/
- Kirsch A, Gunner-Barringer K, Internal marketing and customer service. In: Dunning DG and Lange BM, editors: Dental Practice Transition: a Practical Guide to Management. Ames, IA: Wiley-Blackwell, 2008:293-306.
- Gunner-Barringer K, Kirsch A. Managing staff. In: Dunning DG and Lange BM, editors: Dental Practice Transition: a Practical Guide to Management. Ames, IA: Wiley-Blackwell, 2008:337:358.

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January/February 1999. This version is current as of 1 January 2015 . The most recent version is found at http://www.copyright.cornell.edu/resources/publicdomain.cfm. For some explanation on how to use the chart and complications hidden in it, see Peter B. Hirtle, "When is 1923 Going to Arrive and Other Complications of the U.S. Public Domain," Searcher (Sept 2012). The chart is based in part on Laura N. Gasaway's chart, "When Works Pass Into the Public Domain," at <a href="http://www.unc.edu/~unclng/public-d.htm">http://www.unc.edu/~unclng/public-d.htm</a>, and similar charts found in Marie C. Malaro, A Legal Primer On Managing Museum Collections (Washington, D.C.: Smithsonian Institution Press, 1998): 155-156. A useful copyright duration chart by Mary Minow, organized by year, is found at <a href="http://www.librarylaw.com/DigitizationTable.htm">http://www.librarylaw.com/DigitizationTable.htm</a>. A "flow chart" for copyright duration is found at <a href="http://sunsteinlaw.com/practices/copyright-">http://sunsteinlaw.com/practices/copyright-</a> portfolio-development/copyright-pointers/copyright-flowchart/>, and a "tree-view" chart on copyright is at <a href="http://chart.copyrightdata.com">http://chart.copyrightdata.com</a>. Several U.S. copyright duration calculators are available online, including the Public Domain Sherpa (http://www.publicdomainsherpa.com/calculator.html) and the Durationator (in beta at http://www.durationator.com/). Europeana's public domain calculators for 30 different countries outside of the U.S. (at http://www.outofcopyright.eu/). The Open Knowledge Foundation has been encouraging the development of public domain calculators for many countries: see http://publicdomain.okfn.org/calculators/. See also Library of Congress Copyright Office. Circular 15a, Duration of Copyright: Provisions of the Law Dealing with the Length of Copyright Protection (Washington, D.C.: Library of Congress, 2004) <a href="http://www.copyright.gov/circs/circ15a.pdf">http://www.copyright.gov/circs/circ15a.pdf</a>. Further information on copyright duration is found in Chapter 3, "Duration and Ownership of Copyright," in Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums, by Peter B. Hirtle, Emily Hudson, and Andrew T. Kenyon (Ithaca, NY: Cornell University Library, 2009) available for purchase at http://bookstore.library.cornell.edu/ and as a free download at http://ecommons.cornell.edu/handle/1813/14142.

This chart was first published in Peter B. Hirtle, "Recent Changes To The Copyright Law: Copyright Term Extension," Archival Outlook,

- Treat unpublished works registered for copyright prior to 1978 as if they had been published in the US (though note that the only formality that
  applied was the requirement to renew copyright after 28 years). Unpublished works registered for copyright since 1978 can be considered as if they
  were an "Unpublished, Unregistered Work."
- All terms of copyright run through the end of the calendar year in which they would otherwise expire, so a work enters the public domain on the first
  of the year following the expiration of its copyright term. For example, a book published on 15 March 1923 will enter the public domain on 1 January
  2019, not 16 March 2018 (1923+95=2018).
- 4. Unpublished works when the death date of the author is not known may still be copyrighted after 120 years, but certification from the Copyright Office that it has no record to indicate whether the person is living or died less than 70 years before is a complete defense to any action for infringement. See 17 U.S.C. § 302(e).
- Presumption as to the author's death requires a certified report from the Copyright Office that its records disclose nothing to indicate that the author of the work is living or died less than seventy years before.
- 6. "Publication" was not explicitly defined in the Copyright Law before 1976, but the 1909 Act indirectly indicated that publication was when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority.
- 7. Not all published works are copyrighted. Works prepared by an officer or employee of the United States Government as part of that person's official duties receive no copyright protection in the US. For much of the twentieth century, certain formalities had to be followed to secure copyright protection. For example, some books had to be printed in the United States to receive copyright protection, and failure to deposit copies of works with the Register of Copyright could result in the loss of copyright. The requirements that copies include a formal notice of copyright and that the copyright be renewed after twenty eight years were the most common conditions, and are specified in the chart.
- 8. A 1961 Copyright Office study found that fewer than 15% of all registered copyrights were renewed. For books, the figure was even lower: 7%. See

Barbara Ringer, "Study No. 31: Renewal of Copyright" (1960), reprinted in Library of Congress Copyright Office. Copyright law revision: Studies prepared for the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, United States Senate, Eighty sixth Congress, first [[second]] session. (Washington: U. S. Govt. Print. Off, 1961), p. 220. A good guide to investigating the copyright and renewal status of published work is Samuel Demas and Jennie L. Brogdon, "Determining Copyright Status for Preservation and Access: Defining Reasonable Effort," Library Resources and Technical Services 41:4 (October, 1997): 323-334. See also Library of Congress Copyright Office, How to investigate the copyright status of a work. Circular 22. [Washington, D.C.: Library of Congress, Copyright Office, 2004]. The Online Books Page FAQ, especially "How Can | Tell Whether a Book Can Go Online?" and "How Can | Tell Whether a Copyright Was Renewed?", is also very helpful.

- 9. The following section on foreign publications draws extensively on Stephen Fishman, <u>The Public Domain: How to Find Copyright-free Writings</u>, <u>Music, Art & More</u>. (Berkeley: Nolo.com, 2012). It applies to works first published abroad and not subsequently published in the US within 30 days of the original foreign publication. Works that were simultaneously published abroad and in the US are treated as if they are American publications.
- 10. Foreign works published after 1923 are likely to be still under copyright in the US because of the Uruguay Round Agreements Act (URAA) modifying the General Agreement on Tariffs and Trade (GATT). The URAA restored copyright in foreign works that as of 1 January 1996 had fallen into the public domain in the US because of a failure to comply with US formalities. One of the authors of the work had to be a non-US citizen or resident, the work could not have been published in the US within 30 days after its publication abroad, and the work needed to still be in copyright in the country of publication. Such works have a copyright term equivalent to that of an American work that had followed all of the formalities. For more information, see Library of Congress Copyright Office, Highlights of Copyright Amendments Contained in the Uruguay Round Agreements Act (URAA). Circular 38b. [Washington, D.C.: Library of Congress, Copyright Office, 2004].
- 11. US formalities include the requirement that a formal notice of copyright be included in the work; registration, renewal, and deposit of copies in the Copyright Office; and the manufacture of the work in the US.
- 12. The differing dates is a product of the question of controversial Twin Books v. Walt Disney Co. decision by the 9th Circuit Court of Appeals in 1996.

  The question at issue is the copyright status of a work only published in a foreign language outside of the United States and without a copyright notice. It had long been assumed that failure to comply with US formalities placed these works in the public domain in the US and, as such, were subject to copyright restoration under URAA (see note 10). The court in Twin Books, however, concluded "publication without a copyright notice in a foreign country did not put the work in the public domain in the United States." According to the court, these foreign publications were in effect "unpublished" in the US, and hence have the same copyright term as unpublished works. The decision has been harshly criticized in Nimmer on Copyright, the leading treatise on copyright, as being incompatible with previous decisions and the intent of Congress when it restored foreign copyrights. The Copyright Office as well ignores the Twin Books decision in its circular on restored copyrights. Nevertheless, the decision is currently applicable in all of the 9th Judicial Circuit (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and Guam and the Northern Mariana Islands), and it may apply in the rest of the country.
- 13. See Library of Congress Copyright Office, International Copyright Relations of the United States. Circular 38a. [Washington, D.C.: Library of Congress, Copyright Office, 2011].
- 14. See 63 Fed. Reg.19,287 (1998), Library of Congress Copyright Office, Copyright Restoration of Works in Accordance With the Uruquay Round Agreements Act; List Identifying Copyrights Restored Under the Uruquay Round Agreements Act for Which Notices of Intent To Enforce Restored Copyrights Were Filed in the Copyright Office.
- 15. Copyright notice requirements for sound recordings are spelled out in the Copyright Office's Circular 3, "Copyright Notice," available at <a href="http://www.copyright.gov/circs/circ03.pdf">http://www.copyright.gov/circs/circ03.pdf</a>. Here is the exact text:
  - The copyright notice for phonorecords embodying a sound recording is different from that for other works. Sound recordings are defined as "works that result from the fixation of a series of musical, spoken or other sounds, but not including the sounds accompanying a motion picture or other

audiovisual work." Copyright in a sound recording protects the particular series of sounds fixed in the recording against unauthorized reproduction, revision, and distribution. This copyright is distinct from copyright of the musical, literary, or dramatic work that may be recorded on the phonorecord. Phonorecords may be records (such as LPs and 45s), audio tapes, cassettes, or disks. The notice should contain the following three elements appearing together on the phonorecord:

- 1. The symbol ®; and
- 2. The year of first publication of the sound recording; and
- 3. The name of the owner of copyright in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner. If the producer of the sound recording is named on the phonorecord label or container and if no other name appears in conjunction with the notice, the producer's name shall be considered a part of the notice.
- 4. Example: © 2004 X.Y.Z. Records, Inc.
- 16. Architectural works are defined as "the design of a building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings. The work includes the overall form as well as the arrangement and composition of spaces and elements in the design, but does not include individual standard features." Architectural works were expressly included in copyright by Title VII of Pub. L. 101-650.
- 17. What constitutes "publication" of a building is a very interesting question. As the Copyright Office has noted, "A work is considered published when underlying copies of the building design are distributed or made available public by sale or other transfer of ownership, or by rental. Construction of a building does not itself constitute publication registration, unless multiple copies are constructed." See its Circular 41, "Copyright Claims in Architectural Works," available at <a href="http://www.copyright.gov/circs/circ41.pdf">http://www.copyright.gov/circs/circ41.pdf</a>.
- 19. Turkmenistan and Uzbekistan may have inherited UCC obligations and protections from the USSR, which joined the UCC on 27 May 1973. See Peter B. Maggs, "Post-Soviet Law: The Case of Intellectual Property Law," The Harriman Institute Forum 5, no. 3 (November 1991). They have not as yet, however, filed a "Notification of Succession" with the UCC. See <a href="http://portal.unesco.org/culture/en/ev.php-ucl.unesco.org/cultu
- 20. If the source country's first adhered to either the Berne Treaty or the WTO after 1 January 1996, then the relevant date is the earliest date of membership. Date of membership is tracked at <a href="http://en.wikipedia.org/wiki/list">http://en.wikipedia.org/wiki/list</a> of parties to international copyright agreements
- 21. Contractors and grantees are not considered government empoyees. Generally they create works with copyright (though the government may own that copyright). See <u>CENDI Frequently asked Questions about Copyright: Issues Affecting the U.S. Government</u>. The public domain status of U.S. government works applies only in the U.S.

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