

# Announcement

from the Copyright Office, Library of Congress, Washington, D.C. 20559

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INTERIM REGULATION

PART 202--REGISTRATION OF CLAIMS TO COPYRIGHT

RENEWAL OF COPYRIGHT

The following excerpt is taken from Volume 43, No. 3 of the Federal Register for Thursday, January 5, 1978 (pp. 964-5).

Please note the interim regulations are effective January 1, 1978, however, comments can be received on or before March 31, 1978.

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[ 1410-03 ]

[Docket RM 77-17]

**PART 202—REGISTRATION OF CLAIMS  
TO COPYRIGHT**

**Renewal of Copyright**

**AGENCY:** Library of Congress, Copyright Office.

**ACTION:** Interim regulation.

**SUMMARY:** This notice is issued to advise the public that the Copyright Office

of the Library of Congress is adopting an interim regulation to implement section 304(a) of the Act for General Revision of the Copyright Law. This section pertains to claims to renewal copyright in subsisting copyrights in their first term on January 1, 1978. The effect of the interim regulations is to prescribe conditions for the registration of such claims to renewal copyright. These regulations are issued on an interim basis in order to allow persons to apply for and secure renewal registration immediately on and after the effective date of the statute, while permitting full public comment before the issuance of final regulations.

**DATES:** The interim regulations are effective on January 1, 1978. Comments should be received on or before March 31, 1978.

**ADDRESSES:** Five copies of all written comments should be provided, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal Mall Building No. 2, Room 519, Arlington, Va., or, if by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Va. 22202.

Copies of all written comments will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office of the Copyright Office, Room 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

**FOR FURTHER INFORMATION CONTACT:**

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

**SUPPLEMENTARY INFORMATION:** Paragraph (a) of section 304 of the first section of Pub. L. 94-553 (90 Stat. 2541) provides that "any copyright, the first term of which is subsisting on January 1, 1978," endures for 28 years from the date it was originally secured, and that a second term of copyright, lasting 47 years, can be secured by certain designated claimants if an application for renewal is made to the Copyright Office "within one year prior to the expiration of the original term of copyright." With one exception, this provision is essentially a reenactment of the renewal provision in effect before 1978; the exception involves the lengthening of the second (renewal) term from 28 to 47 years. It applies to works originally copyrighted between January 1, 1950, and December 31, 1977.

We are implementing the provisions of paragraph (a) of section 304, by the revision of § 202.17 of the regulations of the Copyright Office. In order to allow persons to apply for and secure renewal registration immediately upon and after the effective date of the new Copyright Act, this regulation is effective on January 1, 1978. However, we do wish to give the public full opportunity to comment on the regulations, and to give both the public and our Office the benefit of ex-

perience with the new renewal form before issuing final regulations. Accordingly, the regulation is issued on an interim basis and comments will be received until the date set forth above. Final regulations will be issued after the close of the comment period.

The interim regulation is essentially self-explanatory; however, the following points should be noted:

(1) Section 305 of the new law provides that "all terms of copyright provided by sections 302 through 304 run to the end of the calendar year in which they would otherwise expire." This involves a change in the renewal time-limits. Since all copyright terms will expire on December 31 of their last year, and since renewal claims must be registered "within one year prior to the expiration of the original term of copyright," all periods for renewal registration will run from December 1st of the 27th year of the copy-<sup>\*</sup>right, and will end on December 31st of the following year. This change is reflected in the revised regulation.

(2) Comments are invited generally on problems that have arisen under the pre-1978 renewal provisions that could be considered in Copyright Office regulations. In addition, specific comments are invited on two points:

(i) The necessity for original registration as a basis for renewal registration in the case of foreign works protected under the Universal Copyright Convention; and

(ii) The correct renewal claimant and statement of claim in cases where the author has no surviving widow, widower, or children and left a will naming executors, but the executors have been discharged. *Interim Regulation*. Part 202 of 37 CFR, Chapter II, is amended by revising § 202.17, on an interim basis, to read as follows:

**§ 202.17 Renewals.**

(a) *Renewal Time-Limits.* (1) For works originally copyrighted between January 1, 1950 and December 31, 1977, claims to renewal copyright must be registered within the last year of the original copyright term, which begins on December 31 of the 27th year of the copyright, and runs through December 31 of the 28th year of the copyright. The original copyright term for a published work is computed from the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, copyright protection is lost permanently and the work enters the public domain. The Copyright Office has no discretion to extend the renewal time limits.

(2) Whenever a renewal applicant has cause to believe that a formal application for renewal (Form RE), if sent to the Copyright Office by mail, might not be received in the Copyright Office before the expiration of the time limits provided by 17 U.S.C. section 304(a), he or she

may apply for renewal registration by means of a telephone call, telegram, or other method of telecommunication. An application made by this method will be accepted if: (i) The message is received in the Copyright Office within the specified time limits; (ii) the applicant adequately identifies the work involved, the date of first publication or original registration, the name and address of the renewal claimant, and the statutory basis of the renewal claim; and (iii) the fee for renewal registration, if not already on deposit, is received in the Copyright Office before the time for renewal registration has expired.

(b) *Application for Renewal Registration.* (1) For the purpose of renewal registration, the Register of copyrights has prescribed a form (Form RE) to be used for all renewal applications submitted on and after January 1, 1978. Copies of Form RE are available free upon request to the Public Information Office, United States Copyright Office, Library of Congress, Washington, D.C. 20559.

(2) (i) An application for copyright registration may be submitted by any renewal claimant, or the duly authorized agent of any such claimant.

(ii) An application for renewal registration shall be submitted on Form RE, and shall be accompanied by a fee of \$6. The application shall contain the information required by the form and its accompanying instructions, and shall include a certification. The certification shall consist of: (A) A designation of whether the applicant is the renewal claimant, or the duly authorized agent of such claimant (whose identity shall also be given); (B) the handwritten signature of such claimant or agent, accompanied by the typed or printed name of that person; (C) a declaration that the statements made in the application are correct to the best of that person's knowledge; and (D) the date of certification.

(c) *Renewal Claimants.* Renewal claims may be registered only in the names of persons falling within one of the classes of renewal claimants specified in the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new matter.

(17 U.S.C. 207, and under the following sections of title 17 of the U.S. Code as amended by Pub. L. 94-553: Secs. 304, 305, 702, 708.)

Dated: December 30, 1977.

BARBARA FLINGER,  
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,  
Librarian of Congress.

[FR Doc. 78-164 Filed 1-3-78; 8:45 am]

\*Error; line should read: "cember 31st of the 27th year of the copy-"